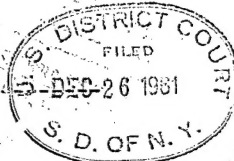


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CIVIL FILE NO 151-349 entitled,
" HAROLD NOEL ARROWSMITH
(PLAINTIFF) VS HEARST
CONSOLIDATED CORP."

100 - 3765d3 - 20

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK



HAROLD NOEL ARROWSMITH, JR.,

Plaintiff,

-against-

Civil No. 151-349

DAILY MIRROR, a Corporation and
HEARST CORPORATION, a Corporation,

Notice of Filing
Of Bond

Defendants.

S I R S :

PLEASE TAKE NOTICE that the attached is a true and correct copy of the undertaking of the plaintiff, HAROLD NOEL ARROWSMITH, JR., and that the original is on file with the Clerk of the United States District Court for the Southern District of New York. This undertaking is filed pursuant to the order, dated December 19th, 1961, of the Honorable Justice Sylvester Ryan conditioning the vacating of the plaintiff's default upon the filing of such bond or undertaking.

Dated: December 26th, 1961.

Yours, etc.,

Thomas E. Paterson

THOMAS E. PATERSON
Attorney for Plaintiff
Office & P.O. Address
100 William Street
New York, New York

To: Clerk of the Court
Southern District of New York
United States District Court

McCAULEY, HENRY & BRENNAN, ESQS.
Attorneys for Defendants
Office & P.O. Address
959 Eighth Avenue
New York 19, New York

Fidelity and Deposit Company

HOME OFFICE

OF MARYLAND

BALTIMORE 3

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT NEW YORK

HAROLD NOEL ARROWSMITH

PLAINTIFF

AGAINST

DAILY MIRROR AND THE
HEARST CORPORATION

DEFENDANTS

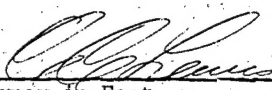
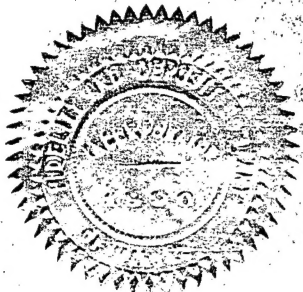
WHEREAS, by an order made by Honorable Sylvester J. Ryan on the 19th day of December, 1961, the above named Plaintiff was directed to furnish an undertaking for costs in the amount of TWO THOUSAND FIVE HUNDRED (\$2,500.00) DOLLARS.

NOW, THEREFORE, the Fidelity and Deposit Company of Maryland, having an office and principal place of business for the State of New York at 140 William Street, New York City hereby undertakes, pursuant to the Statute in such case made and provided, that it will pay, upon demand, to the Defendants all costs which may be awarded to them herein, not exceeding the sum of TWO THOUSAND FIVE HUNDRED (\$2,500.00) Dollars.

Dated New York December 26, 1961

FIDELITY AND DEPOSIT COMPANY
OF MARYLAND

BY


Attorney-in-Fact.


At a regular meeting of the Executive Committee of the Board of Directors of the Fidelity and Deposit Company of Maryland, held in its office in the City of Baltimore, State of Maryland, on the 4th day of February, 1960, the following Resolution was unanimously adopted:

"RESOLVED, That J. M. Henderson, Edward J. Gorman, James M. Grant, Allan Major Race, John L. Brissel, P. C. Symonds, D. R. Buonomo, C. C. Lewis, Jerome W. Green, M. V. McGrath, James A. Lang, James J. D'Amico, C. F. Messinger, A. A. Cella, M. S. Lennon, Joseph E. Dacunto and William G. Carter of the City of New York, State of New York, be, and each of them is hereby appointed Attorney-in-Fact of this Company in the State of New York, and authorized, and empowered, acting alone, to execute and deliver and attach the seal of the Company to any and all bonds or undertakings for or on behalf of this Company and any and all reinsurance agreements covering bonds or undertakings, also to perform any and all acts for or on behalf of this Company in its business of guaranteeing the fidelity of persons holding places of public or private trust and the performance of contracts other than insurance policies, and executing and guaranteeing bonds, consents to orders and waivers of citation in proceedings in which this Company is a party, or other undertakings required or permitted in all actions or proceedings or by law required, and to attach thereto the seal of the Company.

"And Be It Further Resolved, That the above named Attorneys-in-Fact are, and each of them is, further authorized and empowered to certify under the seal of this Company to this Resolution within the limits hereinbefore specifically prescribed for each.

"This Resolution revokes that of May 28, 1959, in behalf of J. M. Henderson, Edward J. Gorman, James M. Grant, Allan Major Race, John L. Brissel, P. C. Symonds, D. R. Buonomo, C. C. Lewis, Jerome W. Green, Louis C. Field, M. V. McGrath, James A. Lang, James J. D'Amico, C. F. Messinger, A. A. Cella, M. S. Lennon and Joseph E. Dacunto."

STATE OF NEW YORK
COUNTY OF NEW YORK

SS:

I, C.C. LEWIS, Attorney-in-Fact of the Fidelity and Deposit Company of Maryland, have compared the foregoing Resolution with the original thereof as recorded in the Minute Book of said Company, and do hereby certify that the same is a true and correct transcript therefrom and of the whole of said original Resolution, and that the said Resolution is still in full force and effect.

Given under my hand and the seal of the Company, at the City

of New York, this 26

day of December, 1961

Attorney-in-Fact

STATE OF NEW YORK
COUNTY OF NEW YORK

SS:

On the 26 day of December, 1961, before me personally came

C.C. LEWIS, to me known, who being by me duly sworn, did depose and say, that he resides at 58 Bismark Ave Valley Stream in the County of Nassau

State of NEW YORK, that he is Attorney-in-Fact of the Fidelity and Deposit Company of Maryland, the corporation described in and which executed the within instrument; that he knows the corporate seal of said corporation; that the seal affixed to said instrument is such corporate seal; that it was so affixed by order of the Board of Directors of said corporation, and that he signed his name thereto by like order; and that the Fidelity and Deposit Company of Maryland is duly authorized to transact business in the State of New York in pursuance of the statutes in such case made and provided; that the Superintendent of Insurance of the State of New York has, pursuant to Chapter 28 of the Consolidated Laws of the State of New York, known as the Insurance Law, issued to the Fidelity and Deposit Company of Maryland a Certificate of Solvency and of qualification to become surety or guarantor on all bonds, undertakings, recognizances, guaranties and other obligations required or permitted by law; and that such certificate has not been revoked.

JOHN J. SCHUBERT
NOTARY PUBLIC, State of New York
No. 41-2853103, Queens County
Cert. filed in New York County
Term Expires March 20, 1962

Notary Public

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT NEW YORK

HAROLD NOEL ARROWSMITH

PLAINTIFF

AGAINST

DAILY MIRROR AND THE
HEARST CORPORATION
DEFENDANTS

SURETY:

Fidelity and Deposit Company
OF MARYLAND

New York Branch—140 William Street—Tel. Cortlandt 7-14700
Brooklyn Branch—16 Court Street—Tel. Triborough 5-3975

I approve of the within Bond and of the
sufficiency of the surety therein.

Dated

STATE OF NEW YORK
COUNTY OF

SS:

On this _____ day of _____, 19____, before me personally appeared the
_____ to me known, and known to me to
be _____ the individual described in and who executed
the within bond, and _____ acknowledged that _____ he _____ executed the same.

Notary Public
County

STATE OF NEW YORK
CITY OF NEW YORK
COUNTY OF } ss.:

being duly sworn, deposes and says that
he is the _____ in the within action; that he has
read the foregoing _____
and knows the contents thereof; that
the same is true to his own knowledge, except as to the matters therein stated to be alleged on informa-
tion and belief, and that as to those matters he believes it to be true.

Sworn to before me, this
day of _____, 19 _____

STATE OF NEW YORK
CITY OF NEW YORK
COUNTY OF } ss.:

being duly sworn, deposes and says that
he is the _____ of
the corporation named in the within entitled action; that he has read the foregoing
and knows the contents thereof; and that the same is true to his own knowledge, except as to the
matters therein stated to be alleged upon information and belief, and as to those matters he believes it
to be true.

Deponent further says that the reason this verification is made by deponent and not by
is a _____ because the said
corporation and deponent is an officer thereof, to-wit, its

Sworn to before me, this
day of _____, 19 _____

AFFIDAVIT OF PERSONAL SERVICE

STATE OF NEW YORK
CITY OF NEW YORK
COUNTY OF } ss.:

being duly sworn, deposes and says that he is over
the age of _____ years. That on the
day of _____, 19 _____, at No. _____

in the Borough of _____ City of New York,
he served the foregoing _____
upon the

in this action, by delivering to and leaving personally
with said

a true copy thereof.
Deponent further says that he knew the person served
as aforesaid, to be

the person mentioned and described in said
as the
therein.

Sworn to before me this
day of _____, 19 _____

AFFIDAVIT OF SERVICE BY MAIL

STATE OF NEW YORK
CITY OF NEW YORK
COUNTY OF New York } ss.:

Thomas E. Paterson being duly
sworn, deposes and says that he is

the attorney for
the above named plaintiff herein.

That on the 26th day of December
1961 he served the within Notice & Undertaking
upon McCauley, Henry & Brennan

the attorney S for the above named defendants
by depositing a true copy of the same securely enclosed
in a post-paid wrapper in the Post-Office—a Branch
Post-Office—Station—Sub-Station—Finance Station—Letter
Box—Mail Chute—Official Depository maintained and ex-
clusively controlled by the United States at
100 William Street, New York, New York

directed to said attorney S for the defendants
at No. 959 Eighth Avenue, New York,
N.Y. that being the address within the State designated
by ERM for that purpose upon the preceding papers
in this action, or the place where they then kept an
office between which places there then was and now is
a regular communication by mail.

Deponent is over the age of 21 years.

Sworn to before me this
day of December 25th, 1961

James H. Ryan Thomas E. Paterson
Notary Public for the State of New York
Qualified 31-6-1960

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

HAROLD NOEL ARROWSMITH,

Plaintiff,

-against-

DAILY MIRROR, A Corporation and
HEARST CORPORATION, a Corporation,

Defendants.

Civil No 151-349



S I R S

PLEASE TAKE NOTICE that on the annexed affidavit of Thomas E Paterson duly sworn to on the 13th day of December, 1961, and all the proceedings heretofore had herein the undersigned will move this court at the chambers of the Honorable Justice Sylvester Ryan, Room 2203, at the District Court-house of the Southern District of New York, Foley Square, Borough of Manhattan, City and State of New York, on the 19th day of December, 1961, at 9 30 o'clock in the forenoon of that day or as soon thereafter as counsel can be heard for an order vacating the dismissal of the complaint and excusing the default of the plaintiff herein and permitting the plaintiff to file a note of issue and certificate of readiness and for such other and further relief which to the court and to the justice thereof may seem just in the premises.

Dated December 13th, 1961.

Yours, etc ,

Thomas E Paterson

Attorney for Plaintiff
Office & P O Address
100 William Street
New York, New York

TO McCauley, Henry & Brennan, Esqs.
Attorneys for Defendants
Office & P.O Address
959 Eighth Avenue
New York, New York

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

HAROLD NOEL ARROWSMITH,

Plaintiff,

-against-

Civil No 151-349

DAILY MIRROR, a Corporation and
HEARST CORPORATION, a Corporation,

Defendants.

STATE OF NEW YORK)
COUNTY OF NEW YORK)^{ss},

THOMAS E. PATERSON being duly sworn deposes and says that he is the attorney for the plaintiff herein and that he makes this affidavit to explain to the court his failure to file a note of issue within the time required by the pre-trial order.

This is an action for libel published by the "Daily Mirror" on the 18th day of October, 1958, in which it is charged that the plaintiff was accused of the heinous crime of financing the bombing of an Atlanta temple. The plaintiff herein was never arrested, indicted or accused of such crime and seeks redress from the defendants from injury to his good name fame and credit and for having scandalized and disgraced him.

A stipulation of the attorneys for both parties was filed together with an affidavit on the 9th day of October, 1961, requesting an extension of time to complete pre-trial proceedings. On the 10th day of October, 1961, a notice was received from defendants' attorneys that they desired to take the deposition of the plaintiff, Harold Noel Arrowsmith, on the 26th day of October, 1961. Arrangements were made for the plaintiff, a Washington and Baltimore resident, to be present for the deposition at the offices of the attorneys for the defendant on the 30th day of October, 1961, pursuant to written stipulation.

The deposition of the plaintiff was commenced on that day and continued on the 31st day of October, 1961. It was then adjourned because of prior court commitments of both attorneys.

At the time your deponent was under the impression and had so diared it that this court had extended the date for completing the pre-trial proceedings to the 10th day of December, 1961, and that there was ample time to complete the deposition. With that time limit in view November 21st was set for the completion of the deposition. The plaintiff in fact appeared on that date coming from Washington, D.C. and the deposition was completed.

Still with the date of December 10th in view your deponent prepared a note of issue and certificate of readiness and mailed it to the Clerk of the Court on the 5th day of December, 1961. Thereafter a call was received from Mr. Follmer of this court who instructed your deponent that it had been filed too late and could not be accepted by him. It was then discovered by your deponent that an error had been made on his part and in fact an order had been entered extending the time to the 15th day of November, 1961, and that on the 30th day of November, 1961, an order had been entered dismissing the complaint. Apparently the defendants' attorneys were also under this impression also since in fact the deposition was completed on the 21st day of November, 1961. Had not this error been made by your deponent every effort would have been made to meet the conditions of the pre-trial order. Your deponent intended in no way to circumvent the rules of this court nor to delay or prevent the issues of this case from coming to trial. Your deponent was attempting in every way to act in good faith and to comply with the order of this court and respectfully requests that the court not use his error to defeat the claim of the plaintiff since the plaintiff has in fact indicated no desire to abandon the cause.

WHEREFORE your deponent respectfully prays this court make an order vacating the dismissal of the complaint herein, excuse the default of the plaintiff herein and permitting the plaintiff to file a note of issue and certificate of readiness.

Sworn to before me this

13th day of December, 1961.

Samuel M. Kimm

PAUL J. MacKUNNOY
Notary Public, State of New York
No. 3076500
Qualified in New York County
Certificate filed with County Clerk
Term Expires March 30, 1962

Thomas E. Pearson

Sir —

Index No

Year 19

Please take notice that the within is a true copy
of a
this day duly entered herein in the office of the Clerk
of

Paid \ Y 19

Yours etc

Attorney for

Office and Post Office Address

Borough of

New York City

To Esq

Attorney for

Sir —

Please take notice that the within

will be presented for settlement and signature herein
to the Hon

one of the judges of the within named Court at

in the Borough of

City of New York on the 19 at day of

Dated N Y 19 M

Yours etc

Attorney for

Office and Post Office Address

Borough of

New York City

To Esq

Attorney for

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

HAROLD NOEL ARROWSMITH,

Plaintiff,

-against-

DAILY MIRROR, a Corporation and
HEARST CORPORATION, a Corporation,

Defendants.

NOTICE AND AFFIDAVIT

THOMAS E PATERSON

Attorney for Plaintiff

Office and Post Office Address

100 William Street
Borough of Manhattan New York City

To Esq

Attorney for

Due and timely service of a copy of the within
is hereby admitted

Attorney for

for 1908, 1961

McClary, Thomas & Brown

✓ HAROLD NOEL ARROWSMITH v DAILY MIRROR et al.

Endorsement
Civ No 151-349

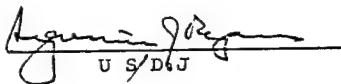
Upon the return of the within motion, counsel were heard and it is

ORDERED that the order entered herein on November 30, 1961, dismissing this suit for failure to prosecute, be vacated and the suit is restored to the docket of the Court upon the condition that ten days from the date hereof plaintiff file a bond for security of costs in the sum of \$2500 In the event of his failure to do so, this motion is denied

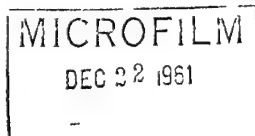
It was stated and represented to the Court by the attorneys for all parties to this suit that all discovery proceedings have been completed and that this suit is ready for trial It is, therefore,

ORDERED that plaintiff place this suit upon a trial calendar within 20 days from the date hereof and in default thereof, if the bond heretofore required is posted and the suit restored to the docket of the Court, this suit will be dismissed for failure to prosecute

Dated December 19, 1961


U S D & J

A



UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK



HAROLD NOEL ARROWSMITH, JR.,

Plaintiff,

-against-

Civil No. 151-349

DAILY MIRROR, a Corporation and
HEARST CORPORATION, a Corporation,

Defendants.

----- x
STATE OF NEW YORK)
COUNTY OF NEW YORK) ss.·

LAWRENCE V. BROCK, being duly sworn, deposes
and says

That he is an attorney associated with the firm
of McCauley, Henry & Brennan, the attorneys for the de-
fendant THE HEARST CORPORATION, sued herein as Daily Mirror
and Hearst Corporation, in the above action.

This affidavit is submitted in opposition to
plaintiff's application to vacate an order dismissing the
complaint and to permit plaintiff to file a note of issue.

Plaintiff, in a libel action, sues for
\$1,000,000 on articles appearing in the "New York Mirror"
on October 18, 1958 and February 17, 1959 This action
was instituted on October 16, 1959, two days prior to the
running of the statute of limitations on the earlier pub-
lication. Issue was joined by service of an answer on
November 5, 1959. Accordingly, more than two years have
passed since issue was joined.

Plaintiff appeared in person when the complaint was served. On November 13, 1959, Kirkpatrick Dilling, Esq., of 139 No. Clark Street, Chicago, Illinois, became attorney of record, and Joseph E Soffey of 30-95 - 33rd Street, Long Island City, New York, was of counsel. Kirkpatrick Dilling withdrew on October 21, 1960, and Joseph E Soffey became attorney of record. Plaintiff's present attorney, Thomas E Paterson, of 100 William Street, New York 38, N. Y., was substituted for Joseph E Soffey on or about December 5, 1961, and is now attorney of record.

Plaintiff has acknowledged in the presence of his attorney, in an examination before trial, that he financed picketing of the White House, Washington, D C., picketing in Atlanta, Georgia, and also in Louisville, Kentucky, on July 27, 1958. The nature and extent of such picketing is best illustrated by banners and stickers carrying legends such as "SAVE IKE FROM THE KIKES", "COMMUNISM IS JEWISH", "ZIONISM IS TREASON", and "DON'T FIGHT ANOTHER WAR TO SAVE THE JEWS".

These banners, posters, and stickers were paid for by plaintiff, printed with his knowledge, and carried by pickets in the cities previously mentioned, and particularly in Washington, D.C., while plaintiff watched. Furthermore, when the pickets in Atlanta were arrested funds for their release on bail and counsel fees were furnished by plaintiff.

The bombing of an Atlanta synagogue occurred on October 12, 1958, and immediately suspect were those responsible for the picketing on July 27, 1958, and plaintiff became such a suspect and was questioned by the Federal

Bureau of Investigation. Plaintiff was not arrested or indicted, and the alleged libelous publications did not so state.

On March 10, 1961, an order was entered dismissing this action if a note of issue was not filed within six months. This period ended on September 10, 1961. Thomas E. Paterson, of counsel, telephoned asking if defendant desired to examine plaintiff before trial. Your deponent, then unfamiliar with the order of dismissal dated March 10, 1961, replied in the affirmative. Mr. Paterson then stated he would send a stipulation which your deponent signed in behalf of the attorneys for the defendant. It is obvious that this stipulation was ineffective since it is dated October 9, 1961, by which time the action was dismissed by plaintiff's failure to file a note of issue by September 9, 1961, pursuant to the March 10th order.

Your deponent was not advised of the March 10, 1961 order dismissing this action. The case had been previously handled by Charles Henry of this office, who retired on or about September 15, 1961.

This application, unsupported by an affidavit of merit by the plaintiff, is intended to relieve plaintiff's present attorney from possible embarrassment. However, neglect in prosecution of this action rightfully attaches to the attorneys preceding plaintiff's present attorney, whose sole purpose is to restore this case to the calendar.

Unreasonable delay and prosecution of an action creates undue hardship and prejudice, which should not be imposed on this defendant. This application provides no

excuse for failure to file a note of issue other than mere inadvertence in complying with the rules of the Court.

WHEREFORE, it is respectfully requested that this application for an order vacating dismissal of the complaint, and permitting plaintiff to file a note of issue and certificate of readiness, be denied.

Sworn to before me this)
18th day of December, 1961.)

Lawrence V Brock
Lawrence V. Brock

Herbert A. Blanchet

HERBERT A. BLANCHE
Notary Public State of New York
No 415336450
Qualified in Queens County
Commission Expires March 30 1962

INDEX No

YEAR

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

of which the within is a copy, was this
day duly entered and filed in the office
of the Clerk of the County of
Dated, N Y, , 19
Yours, &c,

Yours, &c,

HAROLD NOEL ARROWSMITH,

Plaintiff,

959 EIGHTH AVENUE
Borough of Manhattan,

-against-

DAILY MIRROR, a Corporation
and HEARST CORPORATION, a
Corporation,

Defendants.

PLEASE TAKE NOTICE that

of which the within is a true copy, will be
presented for settlement and entry herein to
Mr Justice
one of the Justices of the within named
Court at

Borough of
in the City of New York,

on the day of 19
at o'clock in the forenoon
Dated, N Y, 19

Yours, &c,

MCCAULEY HENRY & BRENNAN

Attorney for

959 EIGHTH AVENUE

Borough of Manhattan,

New York 19, N Y

Esq

To
Attorney for

AFFIDAVIT IN OPPOSITION

MCCAULEY HENRY & BRENNAN

Attorneys for Defendant-THC

959 EIGHTH AVENUE

Borough of Manhattan,

New York 19, N Y

Esq

To
Attorney for

STATE OF NEW YORK,
COUNTY OF NEW YORK,

AFFIDAVIT OF SERVICE BY MAIL

, being duly sworn and says that
he is the attorney
day of 19
for the above named
be served the within

upon
by depositing a true copy of the same securely enclosed in a post paid wrapper in the Post Office—
Branch Post Office—a Post Office Box regularly maintained by the United States Government at
N Y, that being the
for the
directed to said attorney
address within the state designated by
at No
in said County of
for that purpose upon the preceding papers in this action,
or the place where b
communication by mail
Sworn to before me, this
day of 19

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

HAROLD NOEL ARROWSMITH,

Plaintiff,

-against-

Civil No. 151-349

DAILY MIRROR, a Corporation and
HEARST CORPORATION, a Corporation,

Defendant.



IT IS HEREBY STIPULAED AND CONSENTED THAT Thomas E. Paterson, Esq of No 100 William Street be and hereby is substituted in place and stead of Joseph E. Soffey as attorney for the plaintiff, Harold Noel Arrowsmith, in the above entitled action and that this substitution be entered into effect without further notice.

MICROFILM
DEC 6 1961

So Ordered. 12/6/61.
Joseph E. Soffey
Thomas E. Paterson
Herbert A. Arrowsmith
Harold Noel Arrowsmith
Clerk

STATE OF NEW YORK)
 ss
COUNTY OF NEW YORK)

On the *3rd* day of *November* ~~October~~, 1961, before me personally came Harold Noel Arrowsmith to me known, and known to me to be the same person described in and who executed the foregoing consent and acknowledged to me that he executed the same

Paul J. MacKinnon
Notary Public

PAUL J. MacKINNON
Notary Public State of New York
No 30 (>500
Qualified in P. S. 11 County
Certificate filed with County Clerk
Term Expires March 30 1962

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

HAROLD NOEL ARROWSMITH,

Plaintiff,

-against-

Civil No. 151-349

DAILY MIRROR, a Corporation and
HEARST CORPORATION, a Corporation,

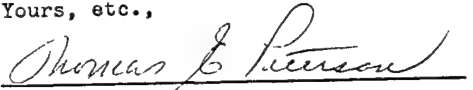
Defendants.

S I R S

PLEASE TAKE NOTICE that the undersigned has been substituted as attorney for the plaintiff herein and that all papers are to be served on him at the address given below.

Dated December 5th, 1961.

Yours, etc.,



Attorney for plaintiff
Office & P.O. Address
100 William Street
New York, New York

To McCauley, Henry & Brennan, Esqs.
Attorneys for Defendants
Office & P.O. Address
959 Eighth Avenue
New York, New York

STATE OF NEW YORK
CITY OF NEW YORK
COUNTY OF

} ss

he is the read the foregoing
the same is true to his own knowledge except as to the matters therein stated to be alleged on information and belief and that as to those matters he believes it to be true
Sworn to before me this day of 19

STATE OF NEW YORK
CITY OF NEW YORK
COUNTY OF

} ss

being duly sworn deposes and says that
he is the of
the corporation named in the within entitled action that he has read the foregoing
and knows the contents thereof and that the same is true to his own knowledge except as to the matters therein stated to be alleged upon information and belief and as to those matters he believes it to be true
Deponent further says that the reason this verification is made by deponent and not by is because the said
is a corporation and deponent is an officer thereof to wit its

Sworn to before me this day of 19

AFFIDAVIT OF PERSONAL SERVICE

STATE OF NEW YORK
CITY OF NEW YORK
COUNTY OF

} ss

being duly sworn deposes and says that he is over the age of years That on the day of 19 at No in the Borough of City of New York he served the foregoing upon the in this action by delivering to and leaving personally with said

a true copy thereof
Deponent further says that he knew the person served as afore said to be the person mentioned and described in said as the therein

Sworn to before me this day of 19 }

AFFIDAVIT OF SERVICE BY MAIL

STATE OF NEW YORK
CITY OF NEW YORK
COUNTY OF New York

} ss

Thomas E. Paterson being duly sworn deposes and says that he is the attorney for the above named plaintiff herein That on the 5th day of December 1961 he served the within Notice of Substitution upon McCauley, Henry & Brennan the attorneys for the above named defendants by depositing a true copy of the same securely enclosed in a post-paid wrapper in the Post Office—a Branch Post Office—Station—Sub Station—Finance Station—Letter Box—Mail Chute—Official Depository maintained and exclusively controlled by the United States at 100 William Street, New York, N.Y. directed to said attorneys for the defendants at No 959 Eighth Avenue, New York, N.Y. that being the address within the State designated by the Senior that purpose upon the preceding papers in this action on the place where they then kept an office between which places there then was and now is a regular communication by mail
Deponent is over the age of 21 years

Sworn to before me this 5th day of December 1961 }

Notary Public State of New York
No 10 10 000
County of

Thomas E. Paterson

Sir --

Please take notice that the within is a true copy of a

this day duly entered herein in the office of the Clerk of

Dated N Y 19

Yours etc

Attorney for
Office and Post Office Address

Borough of New York City

To Esq

Attorney for

Sir --

Please take notice that the within

will be presented for settlement and signature herein to the Hon

one of the judges of the within named Court at

in the Borough of

City of New York on the 19 at M day of

Dated N Y 19

Yours etc

Attorney for
Office and Post Office Address

Borough of New York City

To Esq

Attorney for

Index No

Year 19

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

HAROLD NOEL ARROWSMITH,

Plaintiff,

-against-

DAILY MIRROR, a Corporation and
HEARST CORPORATION, a Corporation,

Defendants

NOTICE OF SUBSTITUTION

THOMAS E. PATERSON

Attorney for Plaintiff

Office and Post Office Address

100 William Street

Borough of Manhattan New York City

To McCauley, Henry & Brennan Esq

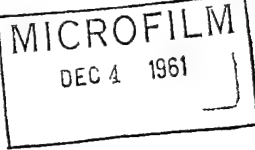
Attorneys for Defendants

Due and timely service of a copy of the within
is hereby admitted.

Dated N Y 19

Attorney for

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK



----- X
Arrowsmith

v

Daily Mirror Inc. et ano

Civ.151-349

----- X
The above entitled action having been called on a Special Pre-Trial Calendar held on Mar.10, 1961, and counsel at that time having been given 6 months ~~days~~ in which to discontinue, dismiss or otherwise move in connection therewith, and no such action having been taken to date, it is now

ORDERED that the above entitled action be dismissed for lack of prosecution, without prejudice and without costs.

Dated New York, N Y. November 30, 1961.

WP III

CHIEF JUDGE.



UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

----- x
HAROLD NOEL ARROWSMITH, JR.,

Plaintiff,

vs.

Civil Action
No. 151-349.

DAILY MIRROR, INC., a Corporation,
and THE HEARST CORPORATION, a
Corporation,

Defendants.
----- x

Defendant, THE HEARST CORPORATION, sued herein
as The Hearst Corporation and Daily Mirror, Inc., by its
attorneys, McCAULEY, HENRY & BRENNAN, for its amended
answer to the complaint herein, alleges

ANSWERING COUNT I OF THE COMPLAINT

I. Answering paragraphs "2", "4" and "5" of
said complaint, The Hearst Corporation is a corporation
duly organized pursuant to the laws of the State of
Delaware, authorized to do business in the State of New
York, with an office for the transaction of business at
235 East 45th Street, in the City of New York. Daily
Mirror, Inc., was merged with defendant The Hearst Corpora-
tion, and "Daily Mirror" became a division thereof in 1943.
Hereafter, in this amended answer, the so-called defendant
"Daily Mirror, Inc." will be ignored. The last two lines
of paragraph "5" are denied.

II. Admits that on October 18, 1958, defendant
published and circulated in the "Daily Mirror" certain
matter quoted in paragraph "6" of said complaint, except

as hereinabove expressly admitted, denies each allegation contained in paragraphs "6", "7", "8", "9", "10", "11", "12" and "13" of said complaint, denies plaintiff has been damaged by defendant in any sum whatever.

ANSWERING COUNT II OF THE COMPLAINT

III. Defendant realleges by reference such admissions and denials as have heretofore been made with respect to such allegations as are realleged by reference in paragraph "1", COUNT II, of said complaint.

IV. Admits that on February 17, 1959, defendant published and circulated the matter quoted in paragraph "2", COUNT II, of said complaint, except as hereinabove expressly admitted, denies each allegation contained in paragraphs "2", "3", "4", "5", "6", "7" and "8" in COUNT II of said complaint, denies plaintiff was damaged by defendant in any sum whatever.

Defendant alleges

FOR A FIRST DEFENSE TO THE
COMPLAINT HERLIN

V. The publications complained of herein were true in substance and in fact. Prior to such publications the said plaintiff, a resident of Baltimore, Maryland, of no trade or occupation, had for a considerable time devoted himself to so-called research pertaining to what he characterized as "racial biology", a branch of learning having no existence or recognition among scientists except in such manner as such lore as astrology, phrenology or alchemy. As a result of his researches, or from some internal illumination, plaintiff herein concluded that most of the

world's ills arose from persons of the Jewish faith, and especially from some world-wide conspiracy in which, under the guise of Communism, the Jews in general were engaged for the purpose of dominating the entire world. In order to enlighten his fellow citizens as to the aforesaid menace, the said plaintiff undertook to produce literary, or at least written, material for distribution to anyone that would read it, and especially to responsible governmental officials in Washington, D.C. It became necessary for said plaintiff to make arrangements for the printing of the aforesaid material, and said plaintiff proceeded to do so, at great expense, by an arrangement with the publisher of a fanatical periodical of no credit or influence known as "The Virginian" and published at Newport News. The aforesaid periodical publication was what is commonly designated by informed persons as a "hate-sheet", as plaintiff then and there well knew, and on which fact he relied to procure the publication of his own material.

VI. While engaged in the occupation hereinabove alleged, said plaintiff became acquainted with one George Lincoln Rockwell, who had some vague association with the so-called "The Virginian". The aforesaid Rockwell had a long history of race and hate instigation, as plaintiff well knew, but lacked financial means or credit to propagate his crackpot doctrine to any but a small segment of the lunatic fringe. It became apparent to said plaintiff that the aforesaid Rockwell was completely reckless, irresponsible, and unscrupulous. Consequently, said plaintiff embarked on a joint venture with said Rockwell

to certain Arab representatives inflammatory placards carried by the aforesaid pickets for the purpose of impressing on the Arabs the great accomplishments of said plaintiff and his associates. The said plaintiff constantly sought the society of Arab representatives, conferred with them, and sought their approbation. The said plaintiff was aware that the aforesaid Rockwell had stated, "Adolph Hitler was a gift from an inscrutable Providence. He was a world savior in his time." - and had uttered and circulated similar sentiments from time to time. Among the persons brought to Washington to picket the White House, and protect President Eisenhower from the domination of Jews, was one Wallace Allen of Atlanta, a person for whom the aforesaid Rockwell had once sold printing, such trip being at the expense of said plaintiff. The aforesaid Rockwell was in correspondence with the aforesaid Wallace Allen in his capacity as agent for and joint venturer with said plaintiff, and would sign some letters with the phrase "Sieg Heil". The aforesaid Rockwell, with plaintiff's knowledge and assent, supplied the aforesaid Allen with inflammatory race publications and abusive stickers. The net result of such communication with Allen and his warped brain associates, as said plaintiff well knew or should have known, was to incite the aforesaid Allen and his group to a frenzy of anti-religious excitement. The aforesaid Rockwell, in the same capacity as hereinabove alleged, assured his Atlanta confreres that he was obtaining ample funds from a fat-cat financier, as indeed he was, and by such expression the aforesaid Rockwell referred to plain-

tiff herein. The aforesaid Rockwell likewise assured the Atlanta group of support from New York hoodlums, well versed in street fighting and violence, and referred enthusiastically to a forthcoming big blast which should occur preferably on Saturday or Sunday. Thereupon, there ensued a terrific dynamiting of a Jewish temple in Atlanta, Georgia, doing many thousands of dollars worth of damage, of which incident the aforesaid Allen and his accomplices, on information and belief, to say the least, had guilty knowledge. The said plaintiff so judged the situation and furnished funds to the aforesaid Allen, for the defense of himself and others who were arrested, on the ground that said plaintiff felt responsible for their predicament,

VIII. The aforesaid outrage in Atlanta attracted nation-wide publicity and expressions of sorrow and abomination. When the President of the United States, Hon. Dwight D. Eisenhower, was apprised that the terrorists and dynamiters were alleged by some idiotic persons to have connection with the Confederate Underground, the President publicly stated, for publication, that such a view was perfectly absurd, that such persons could not have the remotest connection with the Confederate Government, which included many sincere and honorable patriots, but that such terrorists belonged in the category of the most notorious gangsters and assassins. The publication of our President's remarks, complained of in paragraph "12" of said complaint, was perfectly true and correct, and defendant is not answerable because said plaintiff would prefer that the President's statements be suppressed in view of the fact that said plaintiff considered himself

for the purpose of publishing the writings of said plaintiff, copies of writings allegedly unearthed in his researches, and publishing anything else pertaining to race and religious hatred that might enter the warped consciousness of the aforesaid Rockwell. The said plaintiff and Rockwell thereupon became jointly interested, in the manner of partners, in promoting a loose organization under their domination, which called itself "The National Committee to Free America from Jewish Domination"

VII. In connection with the aforesaid schemes the said plaintiff set Rockwell up in the hate business in Arlington, Virginia. The said plaintiff provided the aforesaid Rockwell with real estate of the value of approximately \$25,000, and acquired printing equipment of approximately \$6,000, which latter was partly delivered and the rest either delivered or promised to Rockwell. The said plaintiff gave to the aforesaid Rockwell, with full opportunity of knowing his character, carte blanche to conduct such race and religious hatred campaigns as he thought fit, as long as he would print the writings of said plaintiff, which said plaintiff could not readily procure to be printed anywhere else, and not at all by responsible persons. Among the schemes engineered by said plaintiff and Rockwell was a picketing of the White House, in which said plaintiff and Rockwell took part along with various hoodlums imported from New York City, and housed and fed in Washington, or near Washington, at the expense of said plaintiff. Representatives of Egypt and other Arab interests were invited to the aforesaid demonstration, and said plaintiff presented

involved, as he was in fact, in such outrage.

IX. The public authorities of Atlanta, Georgia, promptly arrested such persons as were reasonably suspected of having been implicated in the Temple bombing. They revealed that one of such persons, to wit, Allen was in correspondence with the aforesaid Rockwell and had been assured by Rockwell of the fat-cat financing from said plaintiff, and such authorities expressed an intention, as they did indeed entertain, to prosecute said plaintiff for his implication in the aforesaid outrage. Accordingly, the Federal Bureau of Investigation rigorously interviewed both Rockwell and said plaintiff, and subjected them to a lengthy interrogation. The reputation of said plaintiff at that time was such that he expressed an intention to seek, and on information and belief did seek, protection from the F.B.I. from being lynched. The mother of said plaintiff, with plaintiff's knowledge and assent, reported to the police of Baltimore that an anonymous person had threatened to kill her and said plaintiff and police protection was on that occasion afforded. The plaintiff and the aforesaid Rockwell have engaged in lengthy mutual diatribes, each claiming that the other is more insistent on the extermination of persons of the Jewish faith than the other. The said plaintiff has professed to have in his possession thousands of documents revealing a mammoth world-wide Jewish conspiracy. The said plaintiff has propagated well worn canards about Jewish bankers financing the Russian revolution, that Jesus Christ was probably not a Jew, and that the public should be enlightened about the

villainy of the Jews and take necessary military measures against them. In addition, the plaintiff claimed that the British Empire had been the instrument of the Jewish plot and that it was coordinated with elements in Washington, Paris and Moscow. The said plaintiff advocated that Jews should be isolated on Madagascar or New Guinea, and allowed no means of communication with the outside world. The said plaintiff expressed doubt that Hitler had murdered any great number of Jews, on the ground that many were still alive. He expressed the belief that the Germans could have prevented the deadly bombing, to which they were subjected, by scattering German Jews all over the country in attics. The said plaintiff claimed he would not fly on an airplane unless he assured himself that the pilots and co-pilots were Nordics. The said plaintiff was well aware that the aforesaid Rockwell was printing and distributing gum-stickers stating such sentiments as "Zionism is Treason", "Liberate Jew-occupied Palestine", "Don't Fight Another War Just to Save the Jews". At the picketing of the White House, attended by said plaintiff, a placard was exhibited saying, "Save Ike from the Kikes", and such placard was presented by said plaintiff to Arab agents to be sent back to Egypt and other Arab nations. The said plaintiff likewise advocated or permitted the aforesaid Rockwell to advocate that all Negroes be gathered together, given \$10,000 apiece and sent back to Africa. The said plaintiff likewise had become convinced, from his research, that Communism, Zionism, and the Jewish faith in general, were synonymous, and he publicized such views as best he could. When said plaintiff and the aforesaid

Rockwell finally came to the parting of the ways, such breach was induced by the claim of said plaintiff that Rockwell was overcharging him for printing, that Rockwell was not profound and educated, that Rockwell wanted no part of Arab agents, that each wanted to be head of the flimsy network financed by said plaintiff, and that Rockwell was devoted to his own personal benefit. By his financial and ideological sponsorship of the aforesaid Rockwell, the said plaintiff morally involved himself in the Atlanta bombing outrage and pursued a course of conduct well calculated to produce such a result

FOR A SECOND DEFENSE TO THE
COMPLAINI HEREIN

X. Defendant realleges each allegation hereinabove set forth in paragraphs "5" to "9" inclusive, of this amended answer. Insofar as the publications complained of consist of statements of fact, the same are true in substance and in effect. Insofar as they consist of statements of opinion or comment, the same are based on facts truly stated, represent tenable conclusions upon such facts, were published as the sincere and reasonable conclusions of defendant in the ordinary course of business, and constituted fair comment on a matter of grave public import, to wit, the operation of hate nests and publication of hate literature with the natural consequence that the impact of such activity, especially on prejudiced and immature minds, is productive of violence and outrage.

FOR A FIRST PARTIAL DEFENSE
TO THE COMPLAINT HEREIN

XI. Defendant realleges each allegation contained in paragraphs "V" to "IX" inclusive, of this amended answer, by way of partial as well as of complete defense.

FOR A SECOND PARTIAL DEFENSE
TO THE COMPLAINT HEREIN

XII. Defendant realleges such allegations as are hereinabove set forth in paragraphs "V" to "IX" inclusive, of this amended answer. All such facts, and all such as were published by defendant, had been communicated to defendant by reliable persons and from reliable sources, including nation-wide publicity in reputable general newspapers, such facts had induced in defendant and had been reasonably calculated to induce the belief that the publications complained of were true in substance and in fact, and the publications complained of were made in such reasonable belief in their truth, in the ordinary course of business, without malice.

FOR A THIRD PARTIAL DEFENSE
TO THE COMPLAINT HEREIN

XIII. Defendant realleges each allegation hereinabove set forth in paragraphs "V" to "IX" inclusive, of this amended answer. The material complained of was received by said defendant in the ordinary course of business from United Press-International Association and the Wheeler Syndicate. The former was one of the two largest news wire associations in the world and was of outstanding reputation for accuracy. The latter, insofar as it added any additional facts to the press association report, was

devoted to a subject in which the writer had specialized for many years, related to events in a territory especially available to said writer, and was in accord with statements available elsewhere. The publications complained of were made in the reasonable reliance on the truth of the above sources of information, in the ordinary course of business, without malice.

WHEREFORE, defendant THE HEARST CORPORATION demands judgment dismissing said complaint with costs.

McCAULEY, HENRY & BRENNAN,
By Charles Henry
Attorneys for Defendant,
The Hearst Corporation,
Office & P. O. Address,
959 Eighth Avenue,
Borough of Manhattan,
City of New York 19.

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

----- x
HAROLD NOEL ARROWSMITH, JR ,

Plaintiff,

vs.

Civil Action
No. 151-349

DAILY MIRROR, INC , a Corporation,
and THE HEARST CORPORATION, a
Corporation,

Defendants.
----- x

STATE OF NEW YORK)
COUNTY OF NEW YORK) ss.

MARGARET G ELDRIDGE, being duly sworn, deposes
and says, that she is over the age of twenty-one years,
that on the 18th day of January, 1960, she served the within
Amended Answer upon Joseph E Soffey, Esq., 30-95 - 33rd
Street, Long Island City, New York, the attorney for the
above named plaintiff, by depositing a true copy of the
same securely enclosed in a postpaid wrapper in a Post
Office Box regularly maintained by the United States Govern-
ment at 959 Eighth Avenue, in said County of New York,
directed to said attorney for the plaintiff at 30-95 - 33rd
Street, Long Island City, New York, that being the address
within the state designated by him for that purpose upon
the preceding papers in this action, as the place where he
then kept an office, between which places there then was
and now is a regular communication by mail.

Sworn to before me this

19th day of January, 1960. }

Margaret G Eldridge

Steven St. John

GEORGE E. M. MOONAHAN
Notary Public State of New York
No. 317889400
Qualified in New York County
Comm. on Exp. March 30 1960

AFFIDAVIT OF SERVICE BY MAIL

STATE OF NEW YORK,
COUNTY OF NEW YORK,

, being duly sworn deposes and says that he is
herem That on the day of the attorney 19 for the above named
be served the within

upon the attorney for the above named
by depositing a true copy of the same securely enclosed in a post-paid wrapper in the Post Office—
Branch Post Office—a Post Office Box regularly maintained by the United States Government at
in said County of directed to said attorney for the
at No N Y, that being the
address within the state designated by b for that purpose upon the preceding papers in this action,
or the place where b then kept an office, between which places there then was and now is a regular
communication by mail

Sworn to before me, this

day of 19

Civil No 151-349

INDEX No

YEAR

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

HAROLD NOEL ARROWSMITH, JR ,

Plaintiff,

-against-

DAILY MIRROR, INC , a Corpora-
tion, and THE HEARST CORPORA-
TION, a Corporation,

Defendants.

AMENDED ANSWER

MCCAULEY, HENRY & BRENNAN

Attorneys for Defendant-THC

959 EIGHTH AVENUE

Borough of Manhattan,

New York 19, N Y

Esq

To
Attorney for

PLEASE TAKE NOTICE THAT

of which the within is a copy, was this
duly entered and filed in the office
of the Clerk of the County of

Dated, N Y, 19

Yours, &c,

MCCAULEY HENRY & BRENNAN

Attorney for

959 EIGHTH AVENUE

Borough of Manhattan,

New York 19, N Y

To

Esq

Attorney for

PLEASE TAKE NOTICE that

of which the within is a true copy, will be
presented for settlement and entry hereto to
Mr Justice

one of the Justices of the within named
Court at

Borough of
in the City of New York,
day of 19

at o'clock in the forenoon.

Dated, N Y, 19

Yours, &c,

MCCAULEY, HENRY & BRENNAN

Attorney for

959 EIGHTH AVENUE

Borough of Manhattan,

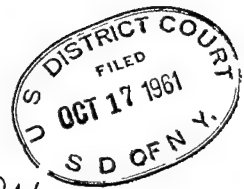
New York 19, N Y

To

Esq

Attorney for

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK



----- x
HAROLD NOEL ARROWSMITH, JR.,

Plaintiff,

-against-

Civil Action
No. 151-349

DAILY MIRROR, INC., a corporation,
and THE HEARST CORPORATION, a
corporation,

Defendants.
----- x

TO: JOSEPH E. SOFFEY, Esq.,
30-95 - 33rd Street,
Long Island City, New York.
Attorney for Plaintiff.

PLEASE TAKE NOTICE that at 11 00 A.M. on the 26th day of October, 1961, at the United States District Court House, Foley Square, in the Southern District of New York, the defendant THE HEARST CORPORATION (sued herein as Daily Mirror, Inc. and The Hearst Corporation) in the above entitled action will take the deposition of plaintiff herein, HAROLD NOEL ARROWSMITH, JR., upon oral examination, pursuant to the Federal Rules of Civil Procedure, before IRWIN R. STONE, a Notary Public, or before some other officer authorized by law to administer oaths. The oral examination will continue from day to day until completed.

You are invited to attend and cross-examine.

Dated, New York, N. Y.,
October 10, 1961.

McCAULEY, HENRY & BRENNAN

By Lawrence V. Brock
Lawrence V. Brock
Attorneys for Defendants,
Office & P. O. Address,
959 Eighth Avenue,
New York 19, N. Y.

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

----- x
HAROLD NOEL ARROWSMITH, JR.,

Plaintiff,

-against-

Civil Action
No. 151-349

DAILY MIRROR, INC., a corporation,
and THE HEARST CORPORATION, a
corporation,

Defendants.

----- x
STATE OF NEW YORK)
) ss
COUNTY OF NEW YORK)

MARGARET G. ELDRIDGE, being duly sworn, deposes
and says, that she is over the age of twenty-one years,
that on the 10th day of October, 1961, she served the within
Notice To Take Testimony of Plaintiff upon Joseph E. Soffey,
Esq., 30-95 - 33rd Street, Long Island City, New York, the
attorney for the above named plaintiff, by depositing a true
copy of the same securely enclosed in a postpaid wrapper in
a Post Office Box regularly maintained by the United States
Government at 959 Eighth Avenue, in said County of New York,
directed to said attorney for the plaintiff at 30-95 - 33rd
Street, Long Island City, New York, that being the address
within the state designated by him for that purpose upon
the preceding papers in this action, as the place where he
then kept an office, between which places there then was
and now is a regular communication by mail.

Sworn to before me this
10th day of October, 1961.

Margaret G. Eldridge

Therese M. DeLoach

GERALDINE M. MONAHAN
Notary Public, State of New York
No. 179960
Qu. 14 in New York County
Commission Expires March 30, 1962

STATE OF NEW YORK,
COUNTY OF NEW YORK,

AFFIDAVIT OF SERVICE BY MAIL

, being duly sworn deposes and says that he is
herein That on the day of the attorney 19 for the above named
be served the within

upon the attorney for the above named
by depositing a true copy of the same securely enclosed in a post-paid wrapper in the Post Office—
Branch Post Office—a Post Office Box regularly maintained by the United States Government at
in said County of directed to said attorney for the
at No N Y, that being the
address within the state designated by b for that purpose upon the preceding papers in this action,
or the place where b then kept an office, between which places there then was and now is a regular
communication by mail

Sworn to before me, this

day of

19

INDEX No. 151-349

YEAR

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

HAROLD NOEL ARROWSMITH, JR.,

Plaintiff,

-against-

DAILY MIRROR, INC., a corpora-
tion, and THE HEARST CORPORA-
TION, a corporation,

Defendants.

JU-6-1300

NOTICE TO TAKE TESTIMONY
OF PLAINTIFF

MCCAULEY HENRY & BRENNAN

Attorneys for Defendant-THC

959 EIGHTH AVENUE

Borough of Manhattan,

New York 19, N Y

To Esq

Attorney for

Sir

PLEASE TAKE NOTICE THAT

of which the within is a copy, was this
day duly entered and filed in the office
of the Clerk of the County of

Dated, N Y, 19

Yours, &c.,

MCCAULEY HENRY & BRENNAN

Attorney for

959 EIGHTH AVENUE

Borough of Manhattan,

New York 19, N Y

To

Esq

Attorney for

Sir

PLEASE TAKE NOTICE that

of which the within is a true copy, will be
presented for settlement and entry herein to
Mr Justice

one of the Justices of the within named
Court at

Borough of
in the City of New York,
day of 19

at o'clock in the forenoon.

Dated, N Y, 19

Yours, &c.,

MCCAULEY, HENRY & BRENNAN

Attorney for

959 EIGHTH AVENUE

Borough of Manhattan,

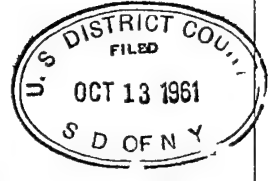
New York 19, N Y

To

Esq

Attorney for

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK



HAROLD NOEL ARROWSMITH,

Plaintiff, *M*

-against-

CIVIL NO 151-349

DAILY MIRROR, a Corporation and
HEARST CORPORATION, a Corporation,

Defendants

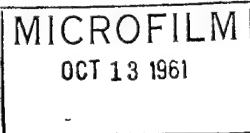
IT IS HEREBY STIPULATED AND AGREED by and between the attorneys for the parties herein that the time in which the parties are to complete their pre-trial preparations of the above entitled case be extended for a period of ninety days from the date limited by the court's order and that an order may be entered to that effect without further application

Dated October 9th, 1961

Joseph E. Soffey
Attorney for Plaintiff

Time extended to Nov 15, 1961 in re Carly, Henry & Brown
only
Attorneys for Defendants
So ordered Oct 11 1961

John F. McElroy
U.S.D.J.



UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

HAROLD NOEL ARROWSMITH,

Plaintiff,

-against-

Civil No 151-349

DAILY MIRROR, a Corporation and
HEARST CORPORATION, a Corporation,

Defendants.

STATE OF NEW YORK)
COUNTY OF NEW YORK)
SS

Thomas E Paterson being duly sworn deposes and says that he is an attorney associated with Joseph E Soffey the attorney for the plaintiff herein and that he makes this affidavit in support of an application for an extension of time in which to complete pre-trial proceedings in the above entitled case

Mr. Harold Noel Arrowsmith, the plaintiff in the within case was required to be in Europe from June until October 1st, 1961. Since the defendants have requested oral depositions of the plaintiff it was impossible to complete such oral depositions unless the same were held in Europe which would have been prohibitive in cost

The defendants by their attorneys have consented and agreed to such extension of time in which to complete pre-trial proceedings and the stipulations of the defendants attorneys have been attached to this affidavit


Thomas E Paterson

Sworn to before me this

9th day of October, 1961



CECIL A. GRIFFIN
Notary Public State of New York
No 31 Geo 629
Qualified in New York County
Term Expires March 30, 1964

Please take notice that the within is a true copy

is day duly entered herein in the office of the Clerk

Dated N Y 19

Yours etc

Attorney for
Office and Post Office Address

Borough of New York City

To Esq

Attorney for

Sir

Please take notice that the within

will be presented for settlement and signature herein
to the Hon

one of the judges of the within named Court at

in the Borough of day of

City of New York on the 19 at M

Dated N Y 19

Yours, etc

Attorney for

Office and Post Office Address

Borough of New York City

To Esq

A torney for

Index No

Year 19

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

HAROLD NOEL ABRON SMITH,

Plaintiff,

-against-

DAILY MIRROR, a Corporation and
HEARST CORPORATION, a Corporation,

Defendants,

STIPULATION AND AFFIDAVIT

JOSEPH E. SOFFEY

Attorney for Plaintiff

Office and Post Office Address

30-95 33rd Street

Borough of Queens New York City

To Esq

Attorney for

Due and timely service of a copy of the within

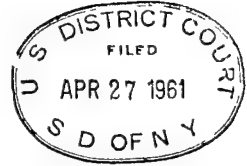
is hereby admitted

19

Dated N Y

Attorney for





UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

M

----- x
HAROLD NOEL ARROWSMITH,

Plaintiff,

-against-

Civil No. 151-349

DAILY MIRROR, INC., a corporation,
and THE HEARST CORPORATION, a cor-
poration,

Defendant
----- x

IT IS HEREBY STIPULATED by and between the
attorneys for the respective parties that defendants' time
to move with respect to a notice, dated March 30, 1961,
to take the deposition of defendants by one DREW PEARSON,
on the 5th day of April, 1961, at 10:00 A M., at the office
of the Clerk of the Southern District, Room 601, be ex-
tended until the 3rd day of May, 1961.

Dated, New York, April 5, 1961.



Joseph E. Saffery
Attorney for Plaintiff

McCAULEY, HENRY & BRENNAN

By Charles Henry
Attorneys for Defendant
The Hearst Corporation
(New York Mirror being a
division thereof)

SO ORDERED: 4/27/61.

John M. Casper
U.S. D.J.

STATE OF NEW YORK,
COUNTY OF NEW YORK,

AFFIDAVIT OF SERVICE BY MAIL

, being duly sworn deposes and says that he is
herein That on the day of the attorney 19 for the above named
be served the within

upon the attorney for the above named
by depositing a true copy of the same securely enclosed in a post-paid wrapper in the Post Office—a
Branch Post Office—a Post Office Box regularly maintained by the United States Government at
in said County of directed to said attorney for the
at No N Y, that being the
address within the state designated by b for that purpose upon the preceding papers in this action,
or the place where b then kept an office, between which places there then was and now is a regular
communication by mail

Sworn to before me, this

day of 19

Civ No. 151-349
INDEX No

YEAR

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

HAROLD NOEL ARROWSMITH,

Plaintiff,

-against-

DAILY MIRROR, INC., a corpora-
tion, and THE HEARST CORPORA-
TION, a corporation,

Defendants.

STIPULATION

4 Only

MCCAULEY, HENRY & BRENNAN

Attorneys for Defendants,

959 EIGHTH AVENUE

Borough of Manhattan,

New York 19, N Y

Esq

To

Attorney for

Sir PLEASE TAKE NOTICE THAT
of which the within is a copy, was this
day duly entered and filed in the office
of the Clerk of the County of
Dated, N Y, 19

Yours, &c.,

MCCAULEY HENRY & BRENNAN

Attorney for

959 EIGHTH AVENUE
Borough of Manhattan,
New York 19, N Y

Esq

To

Attorney for

Sir PLEASE TAKE NOTICE THAT

of which the within is a true copy, will be
presented for settlement and entry herein to
Mr Justice

one of the Justices of the within named
Court at

Borough of
in the City of New York,
day of 19
at o'clock in the forenoon.

Dated, N Y, 19

Yours, &c.,

MCCAULEY, HENRY & BRENNAN

Attorney for

959 EIGHTH AVENUE
Borough of Manhattan,
New York 19, N Y

Esq

To

Attorney for

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

HAROLD NOEL ARROWSMITH,

Plaintiff,

-against-

CIVIL ACTION NO.
151-349

DAILY MIRROR, INC., A CORPORATION,
and THE HEARST CORPORATION, A COR-
PORATION,

Defendant.



S I R S

PLEASE TAKE NOTICE that plaintiff, Harold Noel Arrowsmith, will take the deposition of the defendants by its agent, servant and or employee, Drew Pearson, said person being the author of or represented to be the author of "Washington Merry-Go-Round" and appearing in a newspaper called "The Daily Mirror" such paper being published daily by the defendants or one of the, on the 5th day of April, 1961, at 10 00 o'clock in the forenoon of that day upon oral examination, pursuant to the Federal Rules of Civil Procedure before a notary public or some other officer authorized by law to take depositions, at the office of the Clerk of the Southern District, Room 601, or such other room as may be assigned by the Clerk, at the United States Court House, Foley Square, Borough of Manhattan, City and State of New York, and that such examination will continue from day to day until completed.

Dated New York, N.Y.
March 30th, 1961

Yours, etc.,

[Signature]
Attorney for Plaintiff
Office & P.O. Address
30-95 33rd Street
Long Island City, New York

TO: McCAULEY, HENRY & BRENNEN
Attorneys for Defendants
959 Eighth Avenue
New York, New York.

INDIVIDUAL VERIFICATION

STATE OF NEW YORK,
COUNTY OF

} ss

above named, being duly sworn, deposes and says that he is the
in the within action that he has read and knows the contents of the foregoing

that the same is true to his own knowledge, except as to the matters
therein stated to be alleged on information and belief and that as to those matters he
believes it to be true

Sworn to before me this
day of

19

CORPORATION VERIFICATION

STATE OF NEW YORK,
COUNTY OF

} ss

, being duly sworn, deposes and says that

herein

he is the of the
that he has read the foregoing
and knows the contents thereof, and that the same is true to his own knowledge, except as
to the matters herein stated to be alleged upon information and belief, and that as to those
matters he believes it to be true

Deponent further says that the reason this verification is made by deponent and not by the
is because the said

is a corporation, and deponent an officer thereof, to wit its

Sworn to before me this
day of

19

AFFIDAVIT OF PERSONAL SERVICE

STATE OF NEW YORK,
COUNTY OF New York

} ss

Barbara Henderson, being duly sworn, deposes
and says, that she is over the age of 18 years That on the 31st
day of March 1961 at No 959 Eighth Avenue
in the Borough of Manhattan, City of New York she
served the foregoing Notice to Take a Deposition upon
McCauley, Henry & Brennan, Esqs.
in this action, by delivering to and leaving personally with said attorneys at their
office a true copy (copies) thereof

Deponent further says, that he knew the person served as
aforesaid, to be the person mentioned and described in said

as the

therein

Sworn to before me this 3rd
day of April 1961

} Barbara Henderson

PAUL J. MCKINNON
Notary Public State of New York
No 3075400
Qualified in the County of New York
Commission Expires 12/31/64

Please take notice that the within is a copy of a duly made and entered herein in the presence of the clerk of the court, this 19th day of 1928.

Yours etc.

Page 1

Office and Post Office Address

ough of

Esq.

orney for

Please take notice that an order of the court is made and entered herein in the presence of the clerk of the court, this 19th day of 1928.

of

Court at

the

the day of 19

o'clock in the M

ited,

, 19

Yours etc

orney for

Office and Post Office Address

rough of

Esq.

orney for

Civil Action No 151-349 Year

UNITED STATES DISTRICT COURT SOUTHERN DISTRICT OF NEW YORK

HAROLD NOEL ARROWSMITH,

Plaintiff,

-against-

DAILY MIRROR, INC., A CORPORATION, and THE HEARST CORPORATION, A CORPORATION,

Defendant.

NOTICE TO TAKE DEPOSITION

Joseph E. Soffey Attorney for plaintiff

Office and Post Office Address

30-95 33rd Street

Borough of Queens

10/15/28

To

Esq.

Attorney for

Due and timely service of a copy of the within is hereby admitted

Dated,

19

Attorney for

AFFIDAVIT OF SERVICE BY MAIL

STATE OF NEW YORK, COUNTY OF

ss

, being duly sworn, deposes and says, that he is

the attorney

for the within named

herein That on the day of 19

he served the within

upon

the attorney

for the within named

by depositing a true copy of the same securely enclosed in a post-paid wrapper in the Post Office—a branch Post Office—a Post Office Box regularly maintained by the United States government at in said County of directed to said attorney for the at No N Y, that being the address within the state designated by h for that purpose upon the preceding papers in this action, or the place where h then kept an office between which places there then was and now is a regular communication by mail

Deponent is over the age of

years

Sworn to before me this day of 19

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

FILED
MAR 13 1961

XXXXXXXXXXXXXXXXXXXX

Harold Noel
arrowsmith

x

x

x

x

x

x

✓
Daily mailer

6 ^{mo} DAY ORDER

REVIEW CALENDAR CALL

DOCKET NO. 151-349

XXXXXXXXXXXX

The above entitled action having come on for review on
the MAR 10 1961 day of _____ 19____, before
the Hon. Sylvester J. Ryan United States
District Judge, and after hearing counsel, it is

ORDERED that the Plaintiff shall file a note
of issue for trial, or take other action to obtain a determination
of the above entitled action within 6 ^{mo} days from the date of
this order, and it is further

ORDERED that if such action is not taken within the said period,
the above entitled action may be dismissed without further notice, for
want of prosecution without costs.

Dated New York, N.Y.

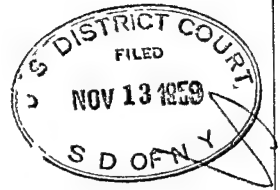
MAR 10 1961

Sylvester J. Ryan
United States District Judge

If case is not placed on T/C within 6 ^{mo} days Ryan, J. will enter
Ex Parte Order dismissing action.

MICROFILM
MAR 13 1961

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK



-----X
HAROLD NOEL ARROWSMITH, JR ,

Plaintiff,

-against-

CIVIL No 151-349

DAILY MIRROR, INC a Corporation,
and THE HEARST CORPORATION, a
Corporation,

Defendants,
-----X

SIR

PLEASE TAKE NOTICE that KIRKPATRICK DILLING, Esq
of 139 NO CLARK STREET, Chicago, Illinois appears herein on
behalf of plaintiff, as attorney of record and that Joseph
E Soffey appears herein of counsel for Kirkpatrick Dilling
and that all papers served herein should be served upon
acting counsel at his office address at 30-95 33rd Street,
Long Island City

Dated New York, N Y , November 13, 1959

Joseph E. Soffey

Joseph E. Soffey, Esq
30-95 33rd Street
Long Island City, N Y

Telephone RA 1 - 8447

TO

MC CAULEY, HENRY & BRENNAN, ESQS
Attorneys for Defendant
THE HEARST CORPORATION
Office & P O Address
595 - 8th Avenue
Borough of Manhattan
City of New York

CLERK OF THE DISTRICT COURT
Southern District of New York

JOSEPH E SOFFEY

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK

X

HAROLD NOEL ARROWSMITH, JR ,

Plaintiff,

- vs

CIVIL No 151-349

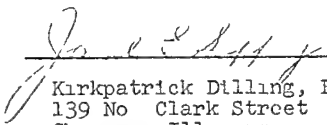
DAILY MIRROR, INC , a Corporation,
and THE HEARST CORPORATION, a
Corporation,

Defendants

X

DEMAND FOR JURY TRIAL

Plaintiff, HAROLD NOEL ARPOWSMITH, JR , hereby
demands trial by jury of all the issues in the above cause


Kirkpatrick Dilling, Esq
139 No Clark Street
Chicago, Illinois
Of Counsel
Joseph E Soffey
30-95 33rd Street
Long Island City
RA 1 - 8447
BE 3 = 5010

TO

MC CAULEY, HENRY & BRENNAN, ESQS
Attorneys for Defendant
THE HEARST CORPORATION
Office & P O Address
595 - 8th Avenue
Borough of Manhattan
City of New York

CLERK OF THE DISTRICT COURT
Southern District of New York

JOSEPH E SOFFEY

STATE OF NEW YORK }
COUNTY OF NEW YORK } SS

Mary C Wattstein, being duly sworn deposes and says, that she is a Clerk in the office of the attorney for plaintiff herein and that she served the within Notice of Appearance and Jury Demand on the 13th day of November 1959 upon McCauley, Henry & Brennan, attorneys for defendants by depositing a true copy of same in a post paid wrapper in the mail chute at 770 Broadway, exclusively controlled by the United States, directed to said attorney for defendant at 595 - 8th Avenue, New York City, said address being designated by them as their office address Deponent is over the age of twenty-one years

Mary C Wattstein

Sworn to before me this
13th day of November 1959

James F X Ryan

JAMES F X RYAN
Notary Public for the State of New York
No. 313412075
Qualified in New York County
Term Expires March 30 1961

JOSEPH E SOFFEY

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK



-----X
HAROLD N ARROWSMITH, JR

Plaintiff,

-against-

DAILY MIRROR, INC , et al,

Defendants
-----X

CIVIL NO 151-349

To the Honorable Court

PLEASE TAKE NOTICE that Joseph E Soffey, appears
herein of counsel for Kirkpatrick Diling, Attorney of record,
and that all papers herein should be served upon counsel at
his address at 30-95 33rd Street, Long Island City

Dated New York, October 21, 1959

JOSEPH E SOFFEY, ESQ
30-95 33rd Street
Long Island City, N Y

Telephone RA 1 = 8447
BE 3 = 5010

JOSEPH E SOFFEY

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

CIVIL NO 151-349

HAROLD N BROOKSMITH, JR ,

Plaintiff,

-against-

DAILY MIRROR, INC et al,

Defendants

NOTICE OF APPEARANCE

JOSEPH E. SOFFEY, ESQ
30-95 3rd Street
Long Island City, N Y

Telephone RA 1 - 8447
BE 3 - 5010

011. 151-349

Harold N Arrowsmith, Jr
3707 Greenway
Baltimore 18, Maryland

October 14, 1959

Honorable Herbert A Charlson
Clerk, U S. District Court
U. S. Court House
Foley Square
New York, New York



Dear Sir

Enclosed herewith are the following documents

1. Complaint to be filed in the matter of
Arrowsmith v Daily Mirror, Inc , and The Hearst Corporation
(original and two copies to be served upon the defendants),

2 Original and two copies of summons

Will you please file said action? Enclosed
herewith is a money order for \$15.00 to cover the filing
fee.

Also enclosed is a money order for \$7 00,
payable to the U S Marshal We would appreciate it
very much if you would place the summons with the
Marshal for service Someone in your office indicated
yesterday to Mr. Dilling, my Chicago attorney, that this
could be done. Service should be made upon the defendant
corporations at 235 East 45th Street, New York.

Very truly yours,

Harold N. Arrowsmith, Jr

Harold N. Arrowsmith, Jr.

HNA 1d

*Serve Daily Mirror — 235 E 45 St
Hearst Corp — 300 Ave 65, St*

RECEIPT
U S MARSHAL

A- 63802

District of *W.C.*

Date *10/15*, 19 *49*

Received of *Harold Vick*

MARSHAL'S NO	TITLE OF CASE	PROGRESS		AMOUNT
		No	Type	
<i>16037</i>	<i>Warrant with ✓ Daily Warrants</i>	<i>2</i>	<i>Sum</i>	<i>7.00</i>
-	-	-	-	-
-	-	-	-	-
-	-	-	-	-

GPO 16-50404-2

ORIGINAL—TO REMITTER

Received by

[Signature]
Deputy U S Marshal

United States District Court

FOR THE

SOUTHERN DISTRICT OF NEW YORK

DIVISION

CIVIL ACTION FILE NO

HAROLD NOEL ARROWSMITH, JR.

Plaintiff

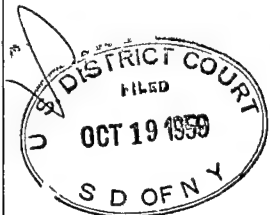
v

DAILY MIRROR, INC., a corporation and
THE HEARST CORPORATION, a corporation,

Defendants

RECEIVED
U S MARSHAL
1959 OCT 15 PM 4 15
S D N Y

SUMMONS



To the above named Defendants

You are hereby summoned and required to serve upon

Harold Noel Arrowsmith, Jr.

plaintiff's attorney, whose address is

3707 Greenway
Baltimore 18, Maryland

an answer to the complaint which is herewith served upon you, within twenty days after service of this summons upon you, exclusive of the day of service. If you fail to do so, judgment by default will be taken against you for the relief demanded in the complaint.

HAROLD A. CHARLSON

Catherine B. Salomon
Clerk of Court
Deputy Clerk

Date October 15, 1959

[Seal of Court]

Note—This summons is issued pursuant to Rule 4 of the Federal Rules of Civil Procedure.

RETURN ON SERVICE OF WRIT

20091

I hereby certify and return, that on the

day of

19

I received this summons and served it together with the complaint herein as follows

MARSHAL'S FEES

Travel \$

Service

United States Marshal

By Deputy United States Marshal

Subscribed and sworn to before me, a

this

day of , 19

[SEAL]

Note—Affidavit required only if service is made by a person other than a United States Marshal or his Deputy

No

United States District Court

FOR THE

ARROWSMITH,

DAILY MIRROR, INC. and
THE HEARST CORPORATION

SUMMONS IN CIVIL ACTION

Returnable not later than twenty days
after service

Harold Noel Arrowsmith, Jr.

~~EXHIBIT~~ Plaintiff

FPI-LK-8-29-68-80M-2516

I hereby certify and return that on 12/14/73
I received the return summons and on 12/14/73
at 500 W 11th St NEW YORK N Y.

I served the same on the within-named defendant
Paul, Thomas & Co

by delivering to and leaving a copy thereof, together with
a copy of the complaint with Paul, Thomas & Co
500 W 11th St

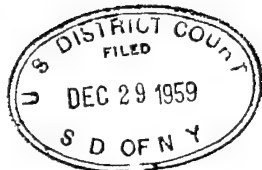
Marshal's Fees

Travel	1.20
Service	4.50
	<u>5.70</u>

Thomas J. Lunney
U.S. Marshal, SDNY

By W. J. Lunney
Deputy U.S. Marshal

Handwritten: "New York City"



UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

----- x

HAROLD NOEL ARROWSMITH, JR.,

Plaintiff,

-against-

Civil No. 151-349

DAILY MIRROR, INC., a Corporation,
and THE HEARST CORPORATION, a
Corporation,

Defendants.

----- x

M'FILLMORE

IT IS HEREBY STIPULATED AND AGREED by and be-
tween the attorneys for the respective parties hereto that
the time of the defendant THE HEARST CORPORATION to serve
its amended answer to the complaint herein be, and the
same hereby is, ^{from November 25, 1959,} extended to and including the 6th day of
January, 1960.

Dated, New York, N Y , December 15, 1959

James E. Henry, Jr.

Attorney for Plaintiff

McCAULEY, HENRY & BRENNAN

By *Charles Henry*

Attorneys for Defendant
The Hearst Corporation

SO ORDERED *12/28/59*

Frederick B. Bryan

U.S.D.J.
FB

AFFIDAVIT OF SERVICE BY MAIL

STATE OF NEW YORK,
COUNTY OF NEW YORK,

, being duly sworn deposes and says that *he is*
the attorney *for the above named*
herein That on the *19* day of *19* *be served the within*

upon *the attorney* *for the above named*
by depositing a true copy of the same securely enclosed in a post-paid wrapper in the Post Office—
Branch Post Office—a Post Office Box regularly maintained by the United States Government at
in said County of *directed to said attorney* *for the*
at No *N Y, that being the*
address within the state designated by *h* *for that purpose upon the preceding papers in this action,*
or the place where *h* *then kept an office, between which places there then was and now is a regular*
communication by mail

Sworn to before me, this

day of *19*

Civil Action No. 151-349

INDEX No

YEAR

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

HAROLD NOEL ARROWSMITH, JR.,

Plaintiff,

-against-

DAILY MIRROR, INC., a Corpora-
tion, and THE HEARST CORPORA-
TION, a Corporation,

Defendant.

STIPULATION EXTENDING
DEFENDANT'S TIME TO
SERVE ANSWER

MCCAULEY, HENRY & BRENNAN

Attorneys for Defendant-THC

919 EIGHTH AVENUE

Borough of Manhattan,

New York 19, N Y

Esq

To

Attorney for

Sir PLEASE TAKE NOTICE THAT
of which the within is a copy, was thus
day duly entered and filed in the office
of the Clerk of the County of
Dated, N Y, *19*
Yours, &c.,
MCCAULEY HENRY & BRENNAN
Attorney for

919 EIGHTH AVENUE
Borough of Manhattan,
New York 19, N Y

Esq

To

Attorney for

Sr PLEASE TAKE NOTICE that

of which the within is a true copy, will be
presented for settlement and entry herein to
Mr Justice
one of the Justices of the within named
Court at

Borough of
in the City of New York,
day of *19*
at *o'clock in the forenoon.*
Dated, N Y, *19*
Yours, &c.,
MCCAULEY, HENRY & BRENNAN

Attorney for
919 EIGHTH AVENUE
Borough of Manhattan,
New York 19, N Y
To
Attorney for

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK



----- x
HAROLD NOEL ARROWSMITH, JR.,

Plaintiff,

vs.

Civil Action
No 151-349

DAILY MIRROR, INC., a Corporation,
and THE HEARST CORPORATION, a
Corporation,

Defendants.
----- x

Defendant, THE HEARST CORPORATION, sued herein
as The Hearst Corporation and Daily Mirror, Inc., by its
attorneys, McCauley, Henry & Brennan, answering the com-
plaint herein, alleges

ANSWERING COUNT I OF THE COMPLAINT

I. Answering paragraphs "2", "4" and "5" of
said complaint, The Hearst Corporation is a corporation
duly organized pursuant to the laws of the State of
Delaware, authorized to do business in the State of New
York, with an office for the transaction of business at
235 East 45th Street, in the City of New York. Daily
Mirror, Inc., was merged with defendant The Hearst Corpora-
tion, and "Daily Mirror" became a division thereof in 1943.
Hereafter, in this answer, the so-called defendant Daily
Mirror, Inc., will be ignored. The last two lines of para-
graph "5" are denied.

II. Admits that on October 18, 1958, defendant
published and circulated in the "Daily Mirror" certain
matter quoted in paragraph "6" of said complaint, except

as hereinabove expressly admitted, denies each allegation contained in paragraphs "6", "7", "8", "9", "10", "11", "12" and "13" of said complaint, denies plaintiff has been damaged by defendant in any sum whatever.

ANSWERING COUNT II OF THE COMPLAINT

III. Defendant realleges by reference such admissions and denials as have heretofore been made with respect to such allegations as are realleged by reference in paragraph "1", COUNT II, of said complaint.

IV. Admits that on February 17, 1959, defendant published and circulated the matter quoted in paragraph "2", COUNT II, of said complaint, except as hereinabove expressly admitted, denies each allegation contained in paragraphs "2", "3", "4", "5", "6", "7" and "8" in COUNT II of said complaint, denies plaintiff was damaged by defendant in any sum whatever.

WHEREFORE, defendant THE HEARST CORPORATION demands judgment dismissing said complaint with costs.

McCAULEY, HENRY & BRENNAN,

By

Charles Henry
Attorneys for Defendant,
The Hearst Corporation,
Office & P O Address,
959 Eighth Avenue,
Borough of Manhattan,
City of New York 19.

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

----- X
HAROLD NOEL ARROWSMITH, JR ,

Plaintiff,

vs

Civil Action
No 151-349

DAILY MIRROR, INC., a Corporation,
and THE HEARST CORPORATION, a
Corporation,

Defendants
----- X

STATE OF NEW YORK)
COUNTY OF NEW YORK) ss.

MARGARET G ELDRIDGE, being duly sworn, deposes
and says, that she is over the age of twenty-one years, that
on the 5th day of November, 1959, she served the within
Answer upon Mr Harold Noel Arrowsmith, Jr , 3707 Greenway,
Baltimore 18, Maryland, Plaintiff appearing in Person,
by depositing a true copy of the same securely enclosed in
a postpaid wrapper in a Post Office Box regularly maintain-
ed by the United States Government at 959 Eighth Avenue,
in the County of New York, directed to said plaintiff at
3707 Greenway, Baltimore 18, Maryland, that being the
address without the state designated by him for that purpose
upon the preceding papers in this action, as the place
where he resides, between which places there then was and
now is a regular communication by mail.

Sworn to before me this
5th day of November, 1959. }

Margaret G Eldridge

Gwenivere D. St. John

GENEVIERE M. A. O'NEAL
Notary Public State of New York
No 31 7889400
Qualified in New York County
Commission Expires March 30 1960

STATE OF NEW YORK,
COUNTY OF NEW YORK,

AFFIDAVIT OF SERVICE BY MAIL

, being duly sworn deposes and says that he is
the attorney for the above named
herein That on the day of 19 be served the within

upon the attorney for the above named
by depositing a true copy of the same securely enclosed in a post-paid wrapper in the Post Office—a
Branch Post Office—a Post Office Box regularly maintained by the United States Government at
in said County of directed to said attorney for the
at No N Y, that being the
address within the state designated by b for that purpose upon the preceding papers in this action,
or the place where b then kept an office, between which places there then was and now is a regular
communication by mail

Sworn to before me, this

day of

19

INDEX No Civil No 151-349

YEAR

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

HAROLD NOEL ARROWSMITH, JR.,

Plaintiff,

vs.

DAILY MIRROR, INC., a Corpora-
tion, and THE HEARST CORPORATION,
a Corporation,

Defendants.

A N S W E R

MCCAULEY, HENRY & BRENNAN

Attorneys for Defendant-THC

959 EIGHTH AVENUE

Borough of Manhattan,

New York 19, N Y

Esq

To

Attorney for

Sir

PLEASE TAKE NOTICE THAT

of which the within is a copy, was this
day duly entered and filed in the office
of the Clerk of the County of

Dated, N Y, 19

Yours, &c,

MCCAULEY HENRY & BRENNAN

Attorney for

959 EIGHTH AVENUE

Borough of Manhattan,

New York 19, N Y

Esq

To

Attorney for

Sir

PLEASE TAKE NOTICE THAT

of which the within is a true copy, will be
presented for settlement and entry herein to
Mr Justice

one of the Justices of the within named
Court at

Borough of
in the City of New York,

day of 19

at o'clock in the forenoon.

Dated, N Y, 19

Yours, &c,

MCCAULEY HENRY & BRENNAN

Attorney for

959 EIGHTH AVENUE

Borough of Manhattan,

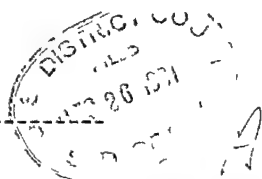
New York 19, N Y

Esq

To

Attorney for

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK



HAROLD NOEL ARROWSMITH, JR ,

Plaintiff,

CIVIL NO 151-349

-against-

DAILY MIRROR, a Corporation and
HEARST CORPORATION, a Corporation,

NOTE OF ISSUE

Defendants

NOTE OF ISSUE FOR CIVIL JURY TRIAL CALENDAR

Jury demanded by plaintiff within ten days of service of last
pleading.
Action for Libel.

DEFENSE General Denial and Affirmative Complete and Partial
 Defenses of Truth
Issue joined November 5th, 1959

THOMAS E. PATERSON
Attorney for Plaintiff
Office & P O Address
100 William Street
New York, New York Whitehall 3-3228

McCAULEY, HENRY & BRENNAN
Attorneys for Defendants
Office & P.O Address
959 Eighth Avenue
New York, New York Judson 6-1300

THOMAS E PATERSON, the attorney for the plaintiff herein, hereby certifies as follows

- 1 Issue has actually been joined.
- 2 Defendant has examined the plaintiff before trial
3. The parties have held all necessary examinations and all other necessary discovery proceedings have been completed
4. That the case is in all respects ready for trial
- 5 That the plaintiff's attorney has unsuccessfully approached the other party as to the possibility of settlement.

Dated December 26th, 1961


THOMAS E PATERSON

STATE OF NEW YORK
CITY OF NEW YORK
COUNTY OF

} ss

being duly sworn deposes and says that
he is the the in the within action that he has
read the foregoing and knows the contents thereof that
the same is true to his own knowledge except as to the matters therein stated to be alleged on informa-
tion and belief and that as to those matters he believes it to be true

Sworn to before me this
day of

19

STATE OF NEW YORK
CITY OF NEW YORK
COUNTY OF

} ss

being duly sworn deposes and says that
he is the of
the corporation named in the within entitled action that he has read the foregoing
and knows the contents thereof and that the same is true to his own knowledge except as to the
matters therein stated to be alleged upon information and belief and as to those matters he believes it
to be true

Deponent further says that the reason this verification is made by deponent and not by
is because the said

is a corporation and deponent is an officer thereof to wit its

Sworn to before me this
day of

19

AFFIDAVIT OF PERSONAL SERVICE

STATE OF NEW YORK
CITY OF NEW YORK
COUNTY OF

} ss

being duly sworn deposes and says that he is over
the age of years That on the
day of 19 at No

in the Borough of City of New York
he served the foregoing
upon
the

in this action by delivering to and leaving personally
with said

a true copy thereof

Deponent further says that he knew the person served
as aforesaid to be

the person mentioned and described in said
as the
therein

Sworn to before me this
day of

19

AFFIDAVIT OF SERVICE BY MAIL

STATE OF NEW YORK
CITY OF NEW YORK
COUNTY OF New York

} ss

Thomas E Paterson being duly
sworn deposes and says that he is the attorney for
the above named plaintiff herein

That on the 26th day of December

1961 he served the within Note of Issue & Certificate
of Readiness
upon McCauley, Henry & Brennan

the attorneys for the above named defendants

by depositing a true copy of the same securely enclosed
in a post-paid wrapper in the Post Office—Branch
Post Office—Station—Sub Station—Finance Station—Letter
Box—Mail Chute—Official Depository maintained and ex-
clusively controlled by the United States at

100 William Street, New York, New York

directed to said attorneys for the defendants

at No 959 Eighth Avenue, New York,

which being the address within the State designated
by the State for that purpose upon the preceding papers
in this action of the place where they will keep an
office between which places there then was and now is
a regular communication by mail

Deponent is over the age of 21 years

Sworn to before me this 26th
day of December 1961

Thomas E Paterson

Please take notice that the within is a true copy
of a duly entered herein in the office of the Clerk
of the Southern District of New York
Dated N Y 19
Yours etc

Attorney for
Office and Post Office Address
New York City
Esq

Attorney for

Please take notice that the within

will be presented for settlement and signature herein
to the Hon
one of the judges of the within named Court at
in the Borough of
City of New York on the day of
19 at M
Dated N Y 19
Yours etc

Attorney for

Office and Post Office Address

Borough of New York City
Esq

Attorney for

Index No Year 19

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

HAROLD NOEL ARROWSMITH, JR ,
Plaintiff,

-against-

DAILY MIRROR, A Corporation and
HEARST CORPORATION, a CORPORATION,

Defendants

NOTE OF ISSUE AND
CERTIFICATE OF READINESS

THOMAS E PATERSON

Attorney for Plaintiff

Office and Post Office Address

100 William Street
Borough of Manhattan New York City

To

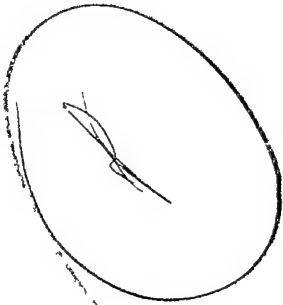
Attorney for

Esq

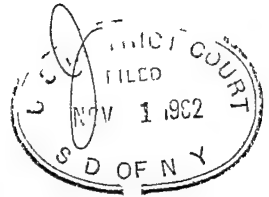
Due and timely service of a copy of the within
is hereby admitted

Dated N Y 19

Attorney for



UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK



----- x
HAROLD NOEL ARROWSMITH, JR.,

Docket No. 151-349
Cal. No. ~~344~~ 44

Plaintiff,

-against-

DAILY MIRROR, INC , a corporation,
and THE HEARST CORPORATION, a cor-
poration,

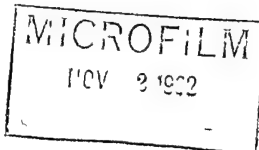
Defendants
----- x

IT IS HEREBY STIPULATED AND AGREED by and between
the attorneys for defendant THE HEARST CORPORATION (New
York Mirror Division) and HAROLD NOEL ARROWSMITH, JR.,
appearing pro se, that the above entitled action, pre-
sently on the Ready Day Calendar, No. 2 (Jury Other Than
Personal Injury and Death Actions), is hereby adjourned
to the Ready Day Calendar for the February Term 1963.

Dated, New York, N. Y., October 30, 1962.

Harold Noel Arrowsmith Jr.

Plaintiff Pro Se



McCAULEY, HENRY & BRENNAN

By

Lawrence V. Brock

Lawrence V. Brock
Attorneys for Defendant,
The Hearst Corporation -
New York Mirror Division

SO ORDERED

Oct 31st 1962

John W. Ladd
U.S.D.J.

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

----- x
HAROLD NOEL ARROWSMITH, JR.,

Docket No 151-349
Cal. No. 144

Plaintiff,

-against-

DAILY MIRROR, INC., a corporation,
and THE HEARST CORPORATION, a cor-
poration,

Defendants.
----- x

STATE OF NEW YORK)
) ss.
COUNTY OF NEW YORK)

HAROLD NOEL ARROWSMITH, JR., being duly sworn,
deposes and says

I am the plaintiff herein, appearing pro se, and I
have requested the attorneys for defendant The Hearst Cor-
poration to adjourn the above entitled action to the February
Term 1963.

The reason for the requested adjournment is that
I have an action against the Providence Journal which is
currently at the head of the Civil Action Calendar and is to
be assigned for trial very shortly I have been working on
the preparation of that action for trial and would prefer to
proceed with the trial in that action before commencing the
trial in this action.

It is difficult to predict how long the case in
Providence will continue and accordingly, I respectfully re-
quest that the Court adjourn this action to the February Term
1963.

Sworn to before me this
30th day of October, 1962.

Herbert A. Blancher
HERBERT A. BLANCHER
Not a Public State of New York
No 5336450
Qualifi I Queens County
Commis o Expires March 30 1964

Harold Noel Arrowsmith, Jr.
Harold Noel Arrowsmith, Jr.

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

HAROLD NOEL ARROWSMITH, JR.,

Plaintiff,

-against-

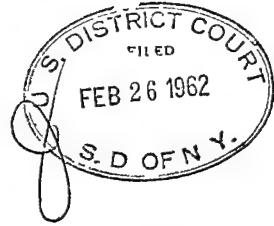
DAILY MIRROR, INC., a corpora-
tion, and THE HEARST CORPORATION,
a corporation,

Defendants

APPLICATION FOR ADJOURNMENT
OF TRIAL TO FEBRUARY TERM
1963

HAROLD NOEL ARROWSMITH, JR.,
Plaintiff Pro Se,
3707 Greenway
Baltimore 18, Maryland.

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK



-----X
HAROLD NOEL ARROWSMITH, JR ,

Plaintiff

CAL NO 144
Civ 151-349

-against-

DAILY MIRROR, INC , et ano ,

O R D E R

Defendant
-----A

The attorneys in the above captioned action are hereby notified that this case will shortly be called for Pre-Trial Conference and Assignment pursuant to Calendar Rules 6 and 13 Counsel will be notified by the deputy clerk for calendars of the exact time and date of this Conference

The following steps are to be taken in preparation for such Conference and failure to comply with these requirements may lead to the imposition of penalties contained in Calendar Rule 16

I. Within seven (7) days of the date of this order, trial counsel must be appointed by all parties and the designation thereof shall immediately be filed with the Clerk of the Court

II Counsel are advised that by the filing of a note of issue, or the failure to make objection thereto, they have certified to the Court that all discovery matters have been completed and the case is in all respects ready for trial

III Within fifteen (15) days of the date of this Order, the attorneys for all parties shall meet together at a convenient time and place for the purpose of arriving at stipulations and agreements, all for the purpose of simplifying the issues to be tried At this Conference between counsel, all exhibits should be exchanged and examined and counsel shall also exchange a list of the names and addresses of all witnesses to be called at the trial including therein the specialties of experts to be called Each side shall then prepare a pre-trial memorandum which shall be filed with the deputy clerk for calendars not later than twenty-five (25) days from the date of this Order If agreement can be reached, this memorandum may be prepared jointly between counsel and so submitted

The memorandum shall be as concise as possible, and shall state the date the conference between the attorneys was held, and cover the following items:

- (a) A brief statement as to federal court jurisdiction.
- (b) A brief statement of the positions of the respective parties including therein any relevant and material facts as to which there is no dispute.

- (1) With respect to negligence cases, the plaintiff should set forth:

Acts of negligence claimed.

Specific laws and regulations alleged to have been violated.

A statement as to whether the doctrine of res ipsa loquitur is relied upon, and the basis for such reliance.

A detailed list of personal injuries claimed.

A detailed list of permanent personal injuries claimed, including the nature and extent thereof.

The age of the plaintiff.

The life and work expectancy of the plaintiff, if permanent injury is claimed.

An itemized statement of all special damages, such as medical, hospital, nursing, etc., expenses, with the amount and to whom paid.

A detailed statement of loss of earnings claimed.

A detailed list of any property damage.

In wrongful death actions, the further information as follows:

Decedent's date of birth, marital status, including age of surviving spouse, employment for five years before date of death, work expectancy, reasonable probability of promotion, rate of earnings for five years before date of death, life expectancy under the mortality tables, general physical condition immediately prior to date of death.

The names, dates of birth, and relationship of decedent's dependents.

The amounts of monetary contributions or their equivalent made to each of such dependents by decedent for a five-year period prior to date of death.

A statement of the decedent's personal expenses and a fair allocation of the usual family expenses for decedent's living for a period of at least three years prior to the date of death; amount claimed for care, advice, nurture, guidance, training, etc., by the decedent, if a parent, during the minority of any dependent.

- * * * -

The defendant shall set forth any acts of contributory negligence claimed, in addition to any other defenses he intends to interpose.

- (ii) In contract cases, the parties should set forth:

Whether the contract relied on was oral or in writing.

The date thereof and the parties thereto.

The terms of the contract which are relied on by the party.

Any collateral oral agreement, if claimed, and the terms thereof.

Any specific breach of contract claimed.

Any misrepresentations of fact alleged.

An itemized statement of damages claimed to have resulted from any alleged breach, the source of such information, how computed, and any books or records available to sustain such damage claim.

Whether modification of the contract or waiver of covenant is claimed, and if so, what modification or waiver and how accomplished.

- (iii) In the event this case does not fall within the above enumerated categories, counsel shall, nevertheless, set forth their positions with as much detail as possible.

- (c) The facts that are not admitted and that, therefore, will be litigated. This shall be a concise recital of all evidentiary and ultimate facts which each party contends, still remain at issue to be litigated at trial.

- (d) Any amendments required of the pleadings.

- (e) Any tender of issues in the pleadings that are to be abandoned.

- (f) A brief statement with respect to the applicable law, containing therein citation to all cases and statutes relied upon.

- (g) A list of all the exhibits each party expects to offer at the trial, with a description of each exhibit sufficient for identification, the purpose for which it is offered and a specification of any objections counsel may have. If no such specification is noted, it will be presumed that counsel has no objection to the introduction of these exhibits.
- (h) A list of the witnesses which each party intends to call, along with the specialties of experts to be called.

IV. On the day of the Conference counsel for the plaintiff shall submit to the Court a "Proposed Pre-Trial Order" in accordance with the form set forth in Calendar Rule 14(a) (1) in so far as it is applicable.

V. Counsel shall be prepared to discuss any other pre-trial relief sought.

VI. Counsel are cautioned to obtain prior authority from their clients to enter into stipulations at the Pre-Trial Conference with reference to the facts and issues in the case.

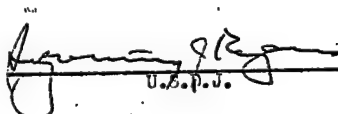
SUBSEQUENT TO PRE-TRIAL

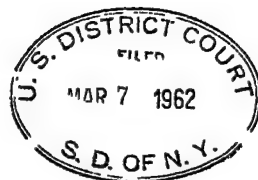
At least one day before a case is actually scheduled to go to trial, there shall be submitted to the trial judge, unless notified to contrary, the following:

- (a) Marked pleadings as required by General Rule 6(b).
- (b) A trial brief by each party. The brief shall contain a clear and concise statement of the facts and law relied upon. Briefs must be type-written, and shall be double-spaced, except for quotations. Copies of all foreign statutes involved should be supplied, together with references to the sources thereof.
- (c) In non-jury cases proposed findings of fact and conclusions of law by each party, the citation or citations, if available, for each proposed conclusion of law.

- (d) In jury cases by each party requested charges to the jury covering the issues to be litigated, together with appropriate citations of authority for each request.

Dated: FEB 24 1962


U.S.P.J.



UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

----- x

HAROLD NOEL ARROWSMITH, JR.,	:	
	:	
Plaintiff,	:	
	:	
-against-	:	Calendar No. 144
	:	
DAILY MIRROR, INC., a corporation,	:	Civil No. 151-349
and THE HEARST CORPORATION, a	:	
corporation,	:	DESIGNATION OF TRIAL
	:	<u>COUNSEL FOR DEFENDANT</u>
Defendants.	:	

----- x

TO:

CLERK of the UNITED STATES DISTRICT COURT,
FOR THE SOUTHERN DISTRICT OF NEW YORK.

THOMAS E. PATERSON, Esq.,
100 William Street,
New York 38, N. Y., Attorney for Plaintiff.

PLEASE TAKE NOTICE that the undersigned,
LAWRENCE V. BROCK, is hereby designated as Trial Counsel
for defendant THE HEARST CORPORATION, sued herein as
The Hearst Corporation and Daily Mirror, Inc., in the above
entitled action.

Dated, New York, N. Y., March 6, 1962.

MCCALLLEY, HENRY & BRENNAN,
By Lawrence V. Brock
Lawrence V. Brock
Attorneys for Defendant,
The Hearst Corporation,
Office & P. O. Address,
959 Eighth Avenue,
Borough of Manhattan,
City of New York 19.

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

----- x
HAROLD NOEL ARROWSMITH, JR.,

Plaintiff,

-against-

DAILY MIRROR, INC., a corporation,
and THE HEARST CORPORATION, a
corporation,

Defendants.

Calendar No. 144

Civil No. 151-349

----- x
STATE OF NEW YORK }
COUNTY OF NEW YORK } ss.:

MARGARET G. ELDRIDGE, being duly sworn, says,
that she is over the age of twenty-one years; that on the
6th day of March, 1962, she served the within Designation
of Trial Counsel upon Thomas E. Paterson, Esq., 100 William
Street, Borough of Manhattan, City of New York, the attorney
for the above named plaintiff, by depositing a true copy of
the same securely enclosed in a postpaid wrapper in a Post
Office Box regularly maintained by the United States Govern-
ment at 959 Eighth Avenue, in said County of New York, di-
rected to said attorney for the plaintiff at 100 William
Street, Borough of Manhattan, City of New York, that being
the address within the state designated by him for that
purpose upon the preceding papers in this action, as the
place where he then kept an office, between which places
there then was and now is a regular communication by mail.
Sworn to before me this)
6th day of March, 1962.)

Margaret G. Eldridge

Shirley D. [Signature]

GENEVIEVE M. MONAHAN
Notary Public, State of New York
Qualified in New York County
Commission Expires March 30, 1962

INDEX No. Civil No. 151-349

YEAR
UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

HAROLD NOEL ARROWSMITH, JR.,

Plaintiff,

-against-

DAILY MIRROR, INC., a corpora-
tion, and THE HEARST CORPORATION,
a corporation,

Defendants.

DESIGNATION OF TRIAL
COUNSEL FOR DEFENDANT

MCCAULEY, HENRY & BRENNAN

Attorneys for Defendant-THC

959 EIGHTH AVENUE

Borough of Manhattan,

New York 19, N. Y.

To Esq.

Attorney for

Sir: PLEASE TAKE NOTICE THAT . . .
of which the within is a copy, was this
day duly entered and filed in the office
of the Clerk of the County of

Dated, N. Y., . . . , 19

Yours, &c.,

MCCAULEY, HENRY & BRENNAN

Attorney for

959 EIGHTH AVENUE

Borough of Manhattan,

New York 19, N. Y.

Esq.

To

Attorney for

Sir : PLEASE TAKE NOTICE that

of which the within is a true copy, will be
presented for settlement and entry herein to
Mr. Justice
one of the Justices of the within named
Court at

Borough of
in the City of New York,
day of 19
o'clock in the forenoon.

Dated, N. Y., 19

Yours, &c.,

MCCAULEY, HENRY & BRENNAN

Attorney for

959 EIGHTH AVENUE

Borough of Manhattan,

New York 19, N. Y.

Esq.

To

Attorney for

AFFIDAVIT OF SERVICE BY MAIL

STATE OF NEW YORK,
COUNTY OF NEW YORK,

} ss.:

, being duly sworn deposes and says that he is
herein That on the day of the attorney 19 for the above named
he served the within

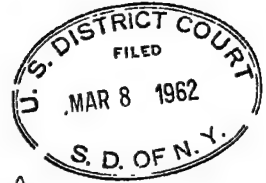
upon the attorney for the above named
by depositing a true copy of the same securely enclosed in a post-paid wrapper in the Post-Office—a
Branch Post-Office—a Post Office Box regularly maintained by the United States Government at
in said County of directed to said attorney for the
at No. N. Y., that being the
address within the state designated by b for that purpose upon the preceding papers in this action,
or the place where b then kept an office, between which places there then was and now is a regular
communication by mail.

Sworn to before me, this

day of

19

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK



HAROLD NOEL ARROWSMITH, JR.,

Plaintiff,

-against-

DAILY MIRROR, INC., a corporation,
and THE HEARST CORPORATION, a corporation,

Defendants.

Calendar No. 144
CIVIL NUMBER
151 - 349

TO: CLERK OF THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK

McCAULEY, HENRY & BRENNAN, Esqs.
959 Eighth Avenue
Borough of Manhattan

PLEASE TAKE NOTICE that the undersigned, THOMAS E. PATERSON,
hereby designates REUBEN A. GARLAND, Esq. as Trial Counsel for
the Plaintiff in the above entitled action.

Dated: New York, New York, March 6, 1962.

A handwritten signature in cursive script, reading "Thomas E. Paterson".

THOMAS E. PATERSON
Attorney for Plaintiff
Office & P.O. Address
100 William Street
New York, New York

STATE OF NEW YORK

COUNTY OF

ss.

he is the read the foregoing being duly sworn, deposes and says that in the within action, that he has and knows the contents thereof, that the same is true to his own knowledge, except as to the matters therein stated to be alleged on information and belief, and that as to those matters he believes it to be true.

Sworn to before me, this day of

19

STATE OF NEW YORK

COUNTY OF

ss

he is the of being duly sworn, deposes and says that the corporation named in the within entitled action, that he has read the foregoing and knows the contents thereof, and that the same is true to his own knowledge, except as to the matters therein stated to be alleged upon information and belief, and as to those matters he believes it to be true.

Deponent further says that the reason this verification is made by deponent and not by is because the said corporation and deponent is an officer thereof, to wit, its

Sworn to before me, this day of

19

AFFIDAVIT OF PERSONAL SERVICE

STATE OF NEW YORK

COUNTY OF

ss

being duly sworn, deposes and says, that he is over the age of years That on the day of , 19 at No

he served the foregoing upon the

in this action by delivering to and leaving personally with said

a true copy thereof

Deponent further says, that he knew the person served as aforesaid, to be

the person mentioned and described in said as the thereon

Sworn to before me this

day of

19

PAUL J. MacKINNON
Notary Public, State of New York
No. 40,665-01
Commission Expires 12/31/19

AFFIDAVIT OF SERVICE BY MAIL

STATE OF NEW YORK

COUNTY OF New York

ss.

Thomas E. Paterson being duly sworn, deposes and says that he is the attorneys for the above named plaintiff herein

That on the 7th day of March 1962 he served the within Designation of Trial Court upon McCauley, Henry & Brennan se. the attorney S for the above named defendants by depositing a true copy of the same securely enclosed in a post-paid wrapper in the Post-Office - a Branch Post Office - Station - Sub-Station - Finance Station - Letter Box - Mail Chute - Official Depository maintained and exclusively controlled by the United States at 100 William St. New York, N.Y. directed to said attorney S for the defendants at No 959 Eighth Avenue

N Y that being the address within the State designated by him for that purpose upon the preceding papers in this action, or the place where Ch EY then kept an office between which places there then was and now is a regular communication by mail

Deponent is over the age of 21 years

Sworn to before me this 7th day of March

1962 Thomas E. Paterson
Edward J. MacKinnon

Sir - Please take notice that the within is a true copy of a this day duly entered herein in the office of the Clerk of

Dated, 19

Yours, &c,

THOMAS E. PATERSON

Attorney for

Office and Post Office Address

100 William Street New York 38, N Y
Telephone Whitehall 3-3228

To Esq
Attorney for

Sir -

Please take notice that the within

will be presented for settlement and signature herein to the Hon one of the judges of the within named Court, at

in the on the 19 day of at M 19

Dated,

Yours, &c,

THOMAS E. PATERSON

Attorney for

Office and Post Office Address

100 William Street New York 38, N Y
Telephone Whitehall 3-3228

To Esq
Attorney for

INDEX NO

196

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

HAROLD NOEL ARROWSMITH, JR.,
Plaintiff,

-against-

DAILY MIRROR, INC., ACORPORATION
and THE HEARST CORPORATION, A
CORPORATION,

Defendants.

DESIGNATION OF TRIAL COUNSEL

THOMAS E. PATERSON

Attorney for Plaintiff

Office and Post Office Address

100 William Street New York 38, N Y
Telephone Whitehall 3-3228

To Esq
Attorney for

Due and timely service of a copy of the within
is hereby admitted
Dated, 19

Attorney for

1

EX 1042
3/25/62

PTE Form No. 5 [Apr. '62]

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK



-----X
HAROLD NOEL ARROWSMITH, JR.,

Plaintiff,

Docket No. 151-349
Calendar No. 144

- v. -
DAILY MIRROR, INC., a corporation, and
THE HEARST CORPORATION, a corporation,
-----X
Defendants.

On May 2, 1962 the parties to this action or their attorneys appeared before the Court at a pre-trial conference pursuant to local Calendar Rules 6 and 13 and Rule 16 of the Federal Rules Of Civil Procedure, and the following action was taken:

1. The pleadings were agreed to be deemed amended in accordance with the framing of the issues in this action in paragraph "9" of this pre-trial order.

2. The parties agreed that the trial of this action shall be based upon the pleadings as amended, except that the following issues raised by the pleadings are expressly abandoned:

None.

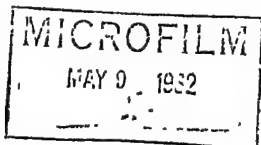
3. (a) The parties stipulated that the following facts are not in dispute in this action (each party reserving the right to object to the materiality of any such stipulated fact and its relevancy to the issues:)

The plaintiff is a citizen of the State of Maryland.

The defendant sued herein as Daily Mirror, Inc. is a division of The Hearst Corporation.

The defendant The Hearst Corporation is a Delaware corporation having its principal office in the State of New York.

The amount in controversy exceeds the sum of \$10,000.



3. (b) It is the plaintiff's contention that:

The action is for an alleged libel and is based upon articles published in the DAILY MIRROR on October 18, 1958 and February 17, 1959. Plaintiff claims that the articles in part referred to him and were defamatory.

3. (c) It is the defendant's contention that:

Defendants deny the material allegations of the complaint other than the publication of the articles complained of. They contend that the articles are not susceptible to the pleaded innuendo. In addition, the allegations of falsity, defamation and malice are denied. Affirmatively, defenses of truth, fair comment, consent and reliance upon trustworthy sources are pleaded.

3. (d) It is the third party defendant's contention that:

4. (a) The exhibits which each party now expects to offer at the trial are those identified in the memorandum heretofore filed pursuant to local Calendar Rule 13 (b) III (g).- Should any party hereafter decide to offer additional exhibits, prompt notice of that fact shall be given to each other party and to the Court by serving and filing a supplemental pre-trial memorandum.-

(b) Copies of hospital records may be offered into evidence if authenticated by a letter or other certificate which purports to be that of the custodian of the records who certifies that the copy is true and complete. More formal proof of the authenticity of the records is waived.

~~The parties agree that the following documents which were marked for identification and which are otherwise identified in the order are authentic and may be received in evidence. Each party reserves the right to object to the materiality or relevancy of each document presented by the other and each party reserves the right to object to all or any portion of each document presented by the other. It is the ground that it is inadmissible under the hearsay rule.~~

(c) The parties agree that the documents which were marked at the depositions upon oral examination in this action are in fact authentic and may be offered into evidence without proof of authenticity except the parties' certification that the documents and exhibits are in fact authentic. *(Copy may be offered in evidence of both parties. The defendants' exhibits)* EIR

By June 1, 1962, the plaintiff will furnish to the defendants' counsel copies of all documentary evidence and exhibits which the plaintiff proposes to offer into evidence at the trial. The authenticity thereof will not be contested absent proof of non-authenticity to be offered by defendant within fifteen (15) days thereafter. Should either party elect to offer further documentary evidence or exhibits not heretofore identified, such evidence shall be exchanged not later than thirty (30) days before the anticipated trial date. Each party shall make his exhibits and documentary evidence available for his adversary's use at trial or pre-trial on reasonable demand.

5. The parties agree that the witnesses whom each party now intends to call, along with the specialty of experts to be called, are those listed in the memorandum heretofore filed pursuant to local Calendar Rule 13 (b) III (h). Should any party hereafter decide to call any additional witnesses, prompt notice of their identity shall be given to each other party and to the Court by serving and filing a supplemental pre-trial memorandum.-Within thirty (30) days plaintiff shall serve and file a list of the witnesses whom he now intends to call.

6. The parties agreed to limit the number of expert witnesses as follows: No limitations of expert witnesses.

Plaintiff agrees to call no more than _____ expert witnesses on the issue of _____

Defendant agrees to call no more than _____ expert witnesses on the issue of _____

7. The following are all of the claims for damages or for other relief asserted by the plaintiff in this action, as of the date of this conference:

Wages lost during the period _____ to _____ :\$ _____.

Future lost wages:\$ _____ Future medical and hospital expenses expected to be incurred:\$ _____.

Medical and hospital expenses heretofore incurred:\$ _____ Pain & Suffering:\$ _____.

General damages by reason of defamation _____.

Other damages: and punitive damages: \$2,000,000 _____.

8. The parties also agreed on the following matters:

(a) Plaintiff at this time expects to require 4 trial days; Defendant at this time expects to require 4 trial days.

A. The defendants' motion, made during the assignment and pre-trial conference to dismiss the complaint herein for failure to diligently prosecute and for failure to comply with the pre-trial orders of the Court, is denied.

B. The plaintiff's prior attorneys, who had appeared for him, namely, Thomas E. Paterson, Esq. and Reuben Garland, Esq., having withdrawn from the case with the plaintiff's consent, and the plaintiff having elected to proceed in the matter pro se, said attorneys are relieved of any further obligations to the plaintiff and to the Court, and the plaintiff is permitted as requested to represent himself in the prosecution of this law suit, and all further papers in this action required to be served upon the plaintiff shall be served upon him at his office and post office address, to wit, 3707 Greenway, Baltimore 18, Maryland.

C. The plaintiff shall return to defendants' counsel within ten (10) days of this order the deposition heretofore taken upon oral examination.

9. The issues to be tried are formulated by the Court (with the consent and agreement of the parties) as follows: [In negligence cases, continue on next page.]

Is the plaintiff entitled to recover any damages from the defendants by reason of the allegedly defamatory matters published by them?

Dated: New York, N. Y.,
May 7, 1962.

Harold Noel Armstrong Jr.
Plaintiff Pro Se

3 M. Thomas F. Garland
U. S. D. J.

M. C. Cauley, Henry & Brennan
Attorneys for Defendants
by Lawrence V. Brock

1042
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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

HAROLD NOEL ARROWSMITH, JR.,

Plaintiff,

-against-

DAILY MIRROR, INC., a Corporation
and THE HEARST CORPORATION, a
Corporation,

Defendants.

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124 (2)
Civil Action
No. 151-349



PRE-TRIAL MEMORANDUM OF DEFENDANT
THE HEARST CORPORATION

LAWRENCE V. BROCK,
Of Counsel.

MCCAULEY, HENRY & BRENNAN
959 EIGHTH AVENUE
NEW YORK 19, N. Y.

Attorneys for Defendants-THC

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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HAROLD NOEL ARROWSMITH, JR.,

Plaintiff,

-against-

DAILY MIRROR, INC., a Corporation
and THE HEARST CORPORATION, a
Corporation,

Defendants.

Civil Action
No. 151-349

----- x
PRE-TRIAL MEMORANDUM OF DEFENDANT
THE HEARST CORPORATION

Pursuant to order dated February 24, 1962, of
Hon. Sylvester J. Ryan, United States District Judge,
Southern District of New York, this memorandum is sub-
mitted in behalf of defendant, THE HEARST CORPORATION.

Pursuant to the aforesaid order a conference
was to have been held between counsel for the parties on
or about March 15, 1962. No such conference was held due
to plaintiff's counsel's failure to communicate with
defendant's counsel for such a conference. Designations
of trial counsel were filed and under such designation

Reuben A. Garland, Esq., of Atlanta, Georgia, was to represent plaintiff. On March 14, 1962, Thomas E. Paterson, Esq., attorney of record for the plaintiff, telephoned, asking if I had heard from Mr. Garland. I advised him that I had not, and he stated that he would call Mr. Garland and ask him to communicate with me. I have not heard from Mr. Garland or from Mr. Paterson since that date. However, on or about Monday, March 19, 1962, Anthony Cataldo, Esq., 'phoned and stated that he had been contacted and asked that he represent the plaintiff. He stated that he had not yet accepted but requested an extension of time within which to file a pre-trial memorandum. He was advised that I did not feel free to modify or extend the order of this Court dated February 24, 1962, and suggested that he make such application to the Court.

The deposition of plaintiff was completed on November 21, 1961, and an original and copy of said deposition was forwarded to Mr. Thomas E. Paterson, plaintiff's counsel, on January 19, 1962. The original transcript of said deposition has not been signed or returned to this office.

III.

(a) Jurisdiction of the Court

Jurisdiction of this Court is based upon diversity of citizenship - plaintiff being a resident of Maryland and defendant a Delaware corporation, having its principal office in the City and State of New York. The amount in controversy exceeds \$10,000.

(b) Nature of the Action and
Position of the Parties

This is an alleged libel action based on articles published in the NEW YORK MIRROR on October 18, 1958, and February 17, 1959.

Plaintiff claims that certain references to him are "false, scandalous, malicious, and defamatory" and that defendant was motivated by malice. By way of innuendo, plaintiff pleads that references to him portrayed plaintiff, among other things, as being a "Fat-Cat financier of terrorist bombings", a "hate-monger", and a person suspected of having a connection with the bombing of an Atlanta, Georgia, Synagogue, on October 12, 1958. General damages in the sum of \$500,000 are demanded. There is no allegation of special damage.

Defendant denies material allegations of the complaint other than the publication of the articles,

complained of. Defendant contends that the articles are not susceptible to the pleaded innuendoes. In addition, the allegations of falsity, defamation and malice are denied. Affirmative defenses of truth, fair comment, consent and reliance upon trustworthy sources are pleaded.

(c) The Issues to be Litigated

The issues raised by the pleadings, including questions of law and fact, remain to be litigated.

Issues Raised by the Complaint

- 1) Whether the articles annexed to the complaint as Exhibits A and B contain false, scandalous and defamatory statements concerning plaintiff.
- 2) Whether the articles are susceptible to the innuendoes pleaded in the complaint.
- 3) Whether all references to plaintiff are false and were known to be such by defendant.
- 4) Whether defendant was motivated by malice.
- 5) Whether plaintiff sustained any injury or damage to his reputation.

Issues Raised by the Amended Answer

- 1) Whether references to plaintiff in the publications are true in substance and in fact.

- 2) Whether the comment in said articles is fair comment.
- 3) Whether defendant published the references to plaintiff in reliance on trustworthy sources, in good faith, without malice.

Deposition of Plaintiff

Plaintiff's deposition, consisting of 288 pages, contains admissions which justify every factual reference to plaintiff.

- 1) Plaintiff has admitted that he provided funds and bought a house in excess of \$20,000, as well as printing equipment for the use of George Lincoln Rockwell, a well-known "hate peddler" and "anti-Semite".
- 2) That Rockwell printed the pamphlets at the direction of plaintiff and such pamphlets were disseminated under a legend created by plaintiff, called "The National Committee to Free America from Jewish Domination".
- 3) That one of such pamphlets was called "COMMUNISM IS JEWISH" and that plaintiff was responsible for the composition of this and many other similar type pamphlets.
- 4) That plaintiff paid the expenses of pickets transported from New York to Washington, D.C., where they picketed the White House, carrying signs "COMMUNISM IS JEWISH", "12 OUT OF 13 CONVICTED SPIES ARE JEWS", "SAVE IKE FROM THE KIKES", and other signs of similar anti-Semitic character.
- 5) That plaintiff financed the printing and distribution of pamphlets for picketing in Atlanta, Georgia, and in Louisville, Kentucky.

- 6) That plaintiff was the "fat-cat financier" described in the letter written by Rockwell to a person charged with the bombing of a Synagogue in Atlanta, Georgia, and that in said letter there is a reference to a "big blast".
- 7) That said plaintiff furnished funds to a person named Allen, who was accused of the bombing in Atlanta, for his defense and also the defense of others arrested.

(d) Amendments to Pleadings

Defendant has no amendments with respect to its amended answer.

(e) Abandonment of Issues

There has been no abandonment of issues and there has been no conference between counsel with respect to the issues raised by the pleadings.

(f) Applicable Law

1) The law of New York governs in these diversity cases.

Erie v. Tompkins, 304 U. S. 64 (1938);

Klaxon Co. v. Stentor Electric Mfg. Co.,
313 U.S. 487 (1941);

A.B.C. Needlecraft Co. v. Dun & Bradstreet,
245 F. 2d 775 (2d Cir. 1957);

Stephens v. Columbia Pictures,
240 F. 2d 764, 767 (2d Cir. 1957);

Dale System v. General Teleradio,
105 F. Supp. 745 (S.D.N.Y. 1952);

ii) References to plaintiff are not libelous
per se.

Nichols v. Item Publishers,
309 N. Y. 596 (1956);

Kimmerle v. New York Evening Journal, Inc.,
262 N. Y. 99 (1933);

O'Connell v. Press Publishing Co.,
214 N. Y. 352 (1915).

iii) The articles are not susceptible of the in-
nuendoes pleaded.

Tracy v. Newsday, Inc.,
5 N. Y. 2d 134 (1959);

Hays v. American Defense Society,
252 N. Y. 266 (1929);

iv.) Substantial truth justifies publication of
defamatory matter.

Fleckenstein v. Friedman,
266 N. Y. 19 (1934);

Gafferty v. Southern Tier Pub. Co.,
226 N. Y. 87 (1919);

Mack, Miller Candle Co. v. Macmillan Co.,
239 App. Div. 738, 741 (4th Dep't 1934),
aff'd 266 N.Y. 489 (1934).

v) Fair comment is privileged.

Julian v. American Business Consultants,
2 N. Y. 2d 1 (1956);

Briarcliff Lodge Hotel v. S.-S. Publishers,
260 N. Y. 106, 118 (1932);

Tracy v. Kline & Son,
274 App. Div. 149 (3d Dep't 1948);

Foley v. Press Pub. Co.,
226 App. Div. 535 (1st Dep't 1929);

Hall v. Binghamton Press Co.,
263 App. Div. 403 (3d Dep't 1942),
aff'd 296 N. Y. 714 (1946);

Berg v. Printers' Ink Pub. Co.,
54 F. Supp. 795 (S.D.N.Y. 1943), aff'd
141 F. 2d 1022 (2d Cir. 1944).

vi) The burden of proving actual malice is upon
plaintiff.

Hoepfner v. Dunkirk Printing Co.,
254 N. Y. 95, 106 (1930);

Kenna v. Daily Mirror, Inc.,
250 App. Div. 625, 629 (1st Dep't 1937),
aff'd no op. 276 N.Y. 483 (1937);

Gerstein Inc. v. N.Y. Evening Journal,
236 App. Div. 446 (1st Dep't 1932);

Amory v. Vreeland,
125 App. Div. 850 (1st Dep't 1908).

vii) Defendant in a libel action may prove mitigating circumstances, including sources of information and grounds for belief.

New York Civil Practice Act, §338;

Szalay v. New York American, Inc.,
254 App. Div. 249, 251 (1st Dep't 1938).

(g) Defendant's Exhibits

Plaintiff has not furnished a list of exhibits. Defendant will offer documents previously marked for identification on the deposition of plaintiff. It is believed that plaintiff or his counsel has copies of all such exhibits. Other exhibits not identified during plaintiff's deposition may include articles written by plaintiff and articles written about him, concerning which in all probability he has knowledge.

(h) Defendant's Witnesses

Plaintiff has not specified any witnesses. Defendant may call the following:

United Press International reporter
Drew Pearson

FBI Agents who interrogated plaintiff

Police Officers of Atlanta Police
Department

George Lincoln Rockwell

and possibly some of those engaged in picketing at the
White House.

RESPECTFULLY SUBMITTED,

McCAULEY, HENRY & BRENNAN
Attorneys for Defendant,
The Hearst Corporation.

LAWRENCE V. BROCK,
Of Counsel.

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK



----- -x
HAROLD NOEL ARROWSMITH, JR., :

Plaintiff, :

-against- :

DAILY MIRROR, INC., a corporation, :
and THE HEARST CORPORATION, a :
corporation, :

Defendants. :

Civil Action
No. 151-349

----- -x
PRE-TRIAL MEMORANDUM

No conference between the attorneys for the defendant and the attorney for the plaintiff has been held as yet, inspite of the order of this court, requiring such attorneys to confer, for the principal reason that the attorneys for the defendant have failed to return telephone calls made by plaintiff's representative. Four such calls were made. Each such attempt to communicate with defendant's counsel ended in failure because the attorney handling this matter has always been out or busy in conference. On each occasion word was left to have the gentlemen telephone back, but no return call has been received.

It is plaintiff's position that he was libeled by the publications, copies of which are attached to the complaint. Said publications were malicious and punitive damages are demanded.

Plaintiff is in process of securing substitute trial counsel, which appointment has not yet been made, and consequently, the plaintiff is now unable to state its position

with respect to the identity of his witnesses and the exhibits that are to be offered upon the trial.

The plaintiff requires no amendment of his complaint.

The jurisdiction of this court is based upon diversity of citizenship and the fact that this suit is for more than \$10,000.

There appears to be no dispute about the publication of the libelous matter. Proof will be required as to the extent of damages.

Dated: New York, New York
March 22, 1962.

Yours, etc.

TO: DEPUTY CLERK
United States District Court
Southern District of New York

THOMAS G. PATTERSON
Attorney for Plaintiff
Office & P.O. Address
100 William Street
New York 38, New York

MESSRS. MCCAULEY, HENRY & BRENNAN,
Attorneys for Defendants,
959 Eighth Avenue,
New York, New York

STATE OF NEW YORK
CITY OF NEW YORK
COUNTY OF

} ss :

he is the read the foregoing
the same is true to his own knowledge, except as to the matters therein stated to be alleged on information and belief, and that as to those matters he believes it to be true
Sworn to before me, this
day of 19

STATE OF NEW YORK
CITY OF NEW YORK
COUNTY OF

} ss

being duly sworn, deposes and says that
he is the of
the corporation named in the within entitled action, that he has read the foregoing
and knows the contents thereof, and that the same is true to his own knowledge, except as to the matters therein stated to be alleged upon information and belief, and as to those matters he believes it to be true

Deponent further says that the reason this verification is made by deponent and not by
is because the said
is a corporation and deponent is an officer thereof, to-wit, its

Sworn to before me, this
day of 19

AFFIDAVIT OF PERSONAL SERVICE

STATE OF NEW YORK
CITY OF NEW YORK
COUNTY OF } ss

being duly sworn, deposes and says, that he is over
the age of years That on the
day of 19, at No

in the Borough of City of New York,
he served the foregoing
upon
the

in this action, by delivering to and leaving personally
with said

a true copy thereof
Deponent further says, that he knew the person served
as aforesaid, to be the person mentioned and described in said
as the
therein

Sworn to before me this
day of 19 }

AFFIDAVIT OF SERVICE BY MAIL

STATE OF NEW YORK
CITY OF NEW YORK
COUNTY OF New York } ss

Theresa Kargoll being duly
sworn, deposes and says that she is a representative
for the attorney for
the above named plaintiff herein

That on the 22nd day of March
1962 she served the within Pre-Trial Statement
upon Messrs. McCauley, Henry & Brennan
959 Eighth Ave. N.Y., N.Y.
the attorney for the above named defendants
by depositing a true copy of the same securely enclosed
in a post-paid wrapper in the Post-Office - a Branch
Post-Office - Sub-Station - Finance - Station - Letter
Box - Mail - Chute - Official Depository maintained and ex-
clusively controlled by the United States at

1 Cedar St. NY 5, NY
directed to said attorney for the plaintiff
at No. 1 Cedar St. NY 5,
N. Y. that being the address within the State designated
by him for that purpose upon the preceding papers
in this action, or the place where he then kept an
office between which places there then was and now is
a regular communication by mail

Deponent is over the age of 18 years

Sworn to before me this 22nd
day of March 1962 } Theresa Kargoll

ANTHONY B. CATALDO

Notary Public, State of New York
No. 41-5850303 Qualified in Queens County
Certificate filed New York Co. Clerk's Office
Commission Expires March 28, 1967

Sir

Please take notice that the within is a true copy

of the within duly entered herein in the office of the Clerk
of the Southern District of New York

Dated, N. Y., 19

Yours, etc.,

395478

P

Attorney for

Office and Post Office Address

99

Borough of

New York City

To

, Esq

Attorney for

Sir

Please take notice that the within

will be presented for settlement and signature herein
to the Hon

one of the judges of the within named Court, at

in the Borough of
City of New York, on the day of

19, at M

Dated, N. Y., 19

Yours, etc.,

Attorney for

Office and Post Office Address

Borough of

New York City

To

, Esq

Attorney for

Index No Year 19

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

HAROLD NOEL ARROWSMITH,

Plaintiff,

-against-

DAILY MIRROR, INC., a corpora-
tion, and THE HEARST CORPORA-
TION, a corporation,

Defendants.

PRE-TRIAL STATEMENT

THOMAS G. PATTERSON

Attorney for Plaintiff

Office and Post Office Address

100 William St. N.Y., N.Y.
Borough of New York City

To

, Esq

Attorney for

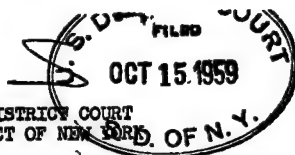
Due and timely service of a copy of the within
is hereby admitted

Dated, N. Y., 19

Attorney for

MAR 23 1962

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK



HAROLD NOEL ARROWSMITH, JR.,

Plaintiff,

vs.

Civil No.

DAILY MIRROR, INC., a Corporation,
and THE HEARST CORPORATION, a
Corporation,

Defendants.

COMPLAINT FOR LIBEL

Count I

NOW COMES HAROLD NOEL ARROWSMITH, JR., plaintiff in the above-entitled cause, in his own proper person, and complaining of DAILY MIRROR, INC., a Corporation, and THE HEARST CORPORATION, a Corporation, defendants, states the following:

1. That he is an adult citizen of the United States and resides in, and is a citizen of the State of Maryland.
2. That the defendant herein, DAILY MIRROR, INC., is a duly organized and existing corporation of the State of New York, with its principal office for the transaction of business located at 235 East 45th Street, New York, New York; that the defendant, THE HEARST CORPORATION, is a duly organized and existing foreign corporation, of the State of Delaware, doing business in the State of New York, with a principal office for the transaction of business in the State of New York located at 235 East 45th Street, New York, New York.
3. That the amount in controversy herein exceeds Ten Thousand Dollars (\$10,000.00), exclusive of interest and costs, and a "diversity of citizenship" exists as between plaintiff and defendant, and this Court has jurisdiction of this action by virtue of its general jurisdiction.

4. That prior to and at the time of the wrongs hereinafter complained of the defendant, DAILY MIRROR, INC., was and it still is, a corporation in the business of publishing and circulating a daily newspaper to-wit, NEW YORK MIRROR, published, circulated, sold, marketed, and distributed by said defendant throughout the City of New York, the State of New York and elsewhere throughout the United States, with a general circulation aggregating, for the whole Country, of approximately 880,000 copies per issue; and that the said defendant, DAILY MIRROR, INC., managed, edited, published, and circulated said publication, to-wit, NEW YORK MIRROR and had immediate and direct control of all matters published in said publication on October 18, 1958, including the false, scandalous, malicious, and defamatory statements of and concerning plaintiff hereinafter complained of.

5. As an alternative to Paragraph 4 hereinabove plaintiff states that prior to and at the time of the wrongs hereinafter complained of the defendant, DAILY MIRROR, INC., had been merged with defendant, THE HEARST CORPORATION, being a division thereof, and that defendant, THE HEARST CORPORATION, was and it still is, a corporation in the business of publishing and circulating said daily newspaper to-wit, NEW YORK MIRROR, published, circulated, sold, marketed, and distributed by said defendant throughout the City of New York, the State of New York and elsewhere throughout the United States, with a general circulation aggregating, for the whole Country, of approximately 880,000 copies per issue; and that the said defendant, THE HEARST CORPORATION, managed, edited, published, and circulated said publication, to-wit, NEW YORK MIRROR, and had immediate and direct control of all matters published in said publication on October 18, 1958, including the false, scandalous, malicious, and defamatory statements of and concerning plaintiff hereinafter complained of.

4. That prior to and at the time of the wrongs hereinafter complained of the defendant, DAILY MIRROR, INC., was and it still is, a corporation in the business of publishing and circulating a daily newspaper to-wit, NEW YORK MIRROR, published, circulated, sold, marketed, and distributed by said defendant throughout the City of New York, the State of New York and elsewhere throughout the United States, with a general circulation aggregating, for the whole Country, of approximately 880,000 copies per issue; and that the said defendant, DAILY MIRROR, INC., managed, edited, published, and circulated said publication, to-wit, NEW YORK MIRROR and had immediate and direct control of all matters published in said publication on October 18, 1958, including the false, scandalous, malicious, and defamatory statements of and concerning plaintiff hereinafter complained of.

5. As an alternative to Paragraph 4 hereinabove plaintiff states that prior to and at the time of the wrongs hereinafter complained of the defendant, DAILY MIRROR, INC., had been merged with defendant, THE HEARST CORPORATION, being a division thereof, and that defendant, THE HEARST CORPORATION, was and it still is, a corporation in the business of publishing and circulating said daily newspaper to-wit, NEW YORK MIRROR, published, circulated, sold, marketed, and distributed by said defendant throughout the City of New York, the State of New York and elsewhere throughout the United States, with a general circulation aggregating, for the whole Country, of approximately 880,000 copies per issue; and that the said defendant, THE HEARST CORPORATION, managed, edited, published, and circulated said publication, to-wit, NEW YORK MIRROR, and had immediate and direct control of all matters published in said publication on October 18, 1958, including the false, scandalous, malicious, and defamatory statements of and concerning plaintiff hereinafter complained of.

6. That on October 18, 1958, the defendants unlawfully and maliciously, did compose, print, write, edit, publish, and circulate, and did cause to be composed, printed, written, edited, published and circulated, in said daily newspaper of Nation-wide circulation, to-wit, NEW YORK MIRROR, in the issue dated October 18, 1958, circulated in the City of New York and elsewhere throughout the State of New York, and elsewhere throughout the United States, a certain false, scandalous, malicious, defamatory, libelous article of and concerning plaintiff, a photostatic copy of which is hereto attached and by this reference made a part hereof as though here set forth in full, marked "Exhibit 'A'", and which reads in part as follows, to-wit:

"5 Indicted in Hate Bombing

"ATLANTA, Oct. 17 (UPI).

" — A Fulton County grand jury indicted five men on charges of dynamiting a Jewish temple last Sunday. The charge carries a possible death penalty.

"Four of the accused are in custody. Still other arrests were predicted including that of the shadowy 'fat cat' financier of terrorist bombings.

"

"THE STATE LAW against dynamite destruction makes violators punishable by death unless the jury recommends mercy.

"Meanwhile, an Atlanta detective said police know the identity of the 'fat cat', said to live in Baltimore.

"An Arlington, Va., newspaper said it had uncovered a link between Allen, one of the men indicted here, and George Rockwell, as saying the wealthy man in Baltimore who was

underwriting bombing terrorists had put up \$20,000 for activity in the Arlington area, scene of a school integration crisis.

"In Washington, it was learned that the FBI yesterday questioned Rockwell and Harold Noel Arrowsmith Jr.", (meaning plaintiff) "described as a member of a wealthy Baltimore family."

7. It is the intent and purport of said article, falsely and maliciously, to portray, and the same did portray, plaintiff as "the shadowy 'fat cat' financier of terrorist bombings", whose arrest was predicted in connection with the dynamiting of a Jewish temple in Atlanta on Sunday, October 12, 1958, and who, as the underwriter of "bombing terrorists" "had put up \$20,000 for activities in the Arlington area."

8. The false and malicious charges are so written that any reader of average intelligence would know that "the shadowy 'fat cat' financier of terrorist bombings", "the wealthy man in Baltimore who was underwriting bombing terrorists" and Harold Noel Arrowsmith Jr. (the plaintiff), "described as a member of a wealthy Baltimore family", were one and the same person.

9. The intent and purport of said article to portray plaintiff as "the shadowy 'fat cat' financier of terrorist bombings", and as the underwriter of "bombing terrorists", was further heightened, confirmed and emphasized by defendants in a certain article published by them in the February 17, 1959, issue of said NEW YORK MIRROR, entitled "U. S. Hate Mongers Linked with Nasser", the same appearing on the "Spotlight Page" of said issue, wherein plaintiff was once again portrayed to defendants' readers as the "fat cat financier".

10. The intent and purport of said false, malicious, and libelous article is tantamount to charging plaintiff with a felonious crime for which the penalty might even be death, since one financing the dynamiting of a Jewish temple and other terrorist bombings would be just as guilty as those actually perpetrating the dastardly deeds.

Because the said false and malicious article is tantamount to charging defendant with a felonious crime, or felonious crimes, it is libelous per se in this respect as well as being libelous per se in general.

11. The libelous effect of the false and malicious statements published of and concerning plaintiff by defendant was aggravated, increased and enhanced by a ribbon headline "5 Indicted in Hate Bombing", printed in heavy bold-faced type and extending clear across the page of said newspaper on which the article was printed.

12. Said libel was further enhanced and aggravated by the fact that said "terrorist bombings" had been the subject of nation-wide publicity preceding the date when defendants published the article herein complained of, the average reader thus being keenly aware of the heinous and dastardly nature of the events involved; for example, defendants, on Thursday, October 16, 1958, had published in said newspaper, NEW YORK MIRROR, statements by Honorable Dwight D. Eisenhower, President of the United States, that any persons connected with the synagogue bombings were gangsters, hoodlums, and public enemies more reprehensible than the "Al Capones, Baby Face Nelsons and that kind of hoodlum", the article complained of herein following two days later.

13. Because of the malicious and wrongful acts done by defendant, as hereinabove set forth, plaintiff has been greatly injured in his good

name, fame and credit and brought into public scandal, infamy and disgrace.

That by reason of the premises aforesaid plaintiff has been damaged in the sum of FIVE HUNDRED THOUSAND DOLLARS (\$500,000.00).

WHEREFORE, Plaintiff, HAROLD NOEL ARROWSMITH, JR., demands judgment in this Count I against the defendants, DAILY MIRROR, INC., and THE HEARST CORPORATION, in the sum of FIVE HUNDRED THOUSAND DOLLARS (\$500,000.00), together with costs.

COUNT II

NOW COMES HAROLD NOEL ARROWSMITH, JR., plaintiff in the above-entitled cause, in his own proper person, and complaining of DAILY MIRROR, INC., a Corporation, and THE HEARST CORPORATION, a Corporation, defendants, states the following:

1. Plaintiff repeats and realleges the allegations of Paragraphs 1, 2, 3, 4, and 5 of Count I hereof, as though set forth in this Count II in full, and further states:

2. That on February 17, 1959, the defendants unlawfully and maliciously, did compose, print, write, edit, publish, and circulate, and did cause to be composed, printed, written, edited, published and circulated, in said daily newspaper of Nation-wide circulation, to-wit, NEW YORK MIRROR, in the issue dated February 17, 1959, circulated in the City of New York and elsewhere throughout the State of New York, and elsewhere throughout the United States, a certain false, scandalous, malicious, defamatory, libelous article of and concerning plaintiff, a photostatic copy of which is hereto attached and by this reference made a part hereof as though here set forth in full, marked "Exhibit 'B'", and which reads in part as follows, to-wit:

"Washington Merry-Go-Round

"U. S. HATE MONGERS LINKED WITH NASSER

"By Drew Pearson

"WASHINGTON, Feb. 16 — Just across the Potomac River from the nation's capital, in fact only a stone's throw from the Lincoln Memorial where the Great Emancipator is shown in thoughtful meditation, are the headquarters of one of the most virulent and vitriolic hate-nests in the USA.

"It has had contact with those investigated in connection with the bombing of the Atlanta synagogue, draws money from Arab sources, and even sends word of its activities to Col. Abdel Nasser of Egypt.

"On Feb. 6, a registered letter was mailed to Nasser from George Lincoln Rockwell, the Arlington, Va., hate-monger who is circulating thousands of copies of petitions calling for the impeachment of Governor Almond. Simultaneously, Rockwell's picture appeared on the front page of Nasser's newspaper El Aharan, though in denial of reports that Nasser had anything to do with the American hate-nest.

". . . .

"ROCKWELL'S letters to Wallace Allen, a crippled printing salesman, were picked up by Atlanta Police during their investigation of the synagogue bombing.

"Rockwell ended some letters to Allen with the Nazi phrase, 'Sieg Heil.'

"One of his letters referred cryptically to a 'big blast,' but Rockwell insisted to the FBI that he meant a

planned picketing and knew nothing of the subsequent bombing.

"One letter also spoke of a 'fatcat financier' who turned out to be Harold Noel Arrowsmith, Jr., son of the late canon of Baltimore's Episcopal Cathedral. Arrowsmith took offense at the 'fatcat' reference, apparently thinking Rockwell was ridiculing his physical plumpness.

"Rockwell also told associates that Arrowsmith had contacts in the 'Arab Secret Service'.

"It appears to be true that Arrowsmith was in touch with Salem Bader, who runs what he calls the Arab-Asiah Institute.

"Much of the hate-nest across the Potomac was financed by the wealthy preacher's son from Baltimore, Arrowsmith, until he broke with Rockwell. He made the first payment on Rockwell's headquarters and is reported to have poured about \$20,000 into the operation, plus about \$6,000 for the Rockwell printing press."

3. The said article published by defendants on February 17, 1959, specifically depicts plaintiff by name as the "fat cat financier" mentioned in a letter picked up by Atlanta police during their investigation of the synagogue bombing (which took place on October 12th, 1958) and so completes for the readers of said newspaper the identification of "the shadowy 'fat cat' financier of terrorist bombings", the underwriter of "bombing terrorists" mentioned in the prior article published by defendant hereinabove referred to, a copy of which is hereto attached as "Exhibit 'A'".

4. The further import of the article is to depict plaintiff as a "hate monger linked with Nasser", who has "contacts in the 'Arab Secret Service'", the plain inference being that plaintiff is the un-American agent of a foreign power in violation of United States law.

5. The libelous effect of the false and malicious statements published of and concerning plaintiff by defendants was aggravated, increased and enhanced by a ribbon headline "U. S. Hate Mongers Linked With Nasser" printed in heavy bold-faced type and appearing prominently on the "Spotlight Page" of said newspaper on which the article was printed.

6. Said libel was further enhanced and aggravated by the fact that said "bombing of the Atlanta synagogue" had been the subject of nation-wide publicity preceding the date when defendants published the article herein complained of, the average reader thus being keenly aware of the heinous and dastardly nature of the events involved; for example, on Thursday, October 16, 1958, defendants had featured statements by Honorable Dwight D. Eisenhower, President of the United States, to the effect that any persons connected with the synagogue bombings were gangsters, hoodlums, and public enemies more reprehensible than the "Al Capones, Baby Face Nelsons and that kind of hoodlum", the article complained of herein following ~~two days~~ later.

7. Because of the malicious and wrongful acts done by defendants as hereinabove set forth, plaintiff has been greatly injured in his good name, fame and credit and brought into public scandal, infamy and disgrace.

8. That by reason of the premises aforesaid plaintiff has been damaged in the sum of FIVE HUNDRED THOUSAND DOLLARS (\$500,000.00).

WHEREFORE, Plaintiff, HAROLD NOEL ARROWSMITH, JR., demands

judgment in this Count II against the defendants, DAILY MIRROR, INC., and
THE HEARST CORPORATION, in the sum of FIVE HUNDRED THOUSAND DOLLARS
(\$500,000.00), together with costs.

Harold Noel Arrowsmith, Jr.

Harold Noel Arrowsmith, Jr.
3707 Greenway
Baltimore 18, Maryland
Telephone: Belmont 5-0478

In His Own Proper Person

5 Indicted in Hate

ATLANTA, Oct. 17 (UPI). — A Fulton County grand jury indicted five men on charges of dynamiting a Jewish temple last Sunday. The charge carries a possible death penalty.

Four of the accused are in custody. Still other arrests were predicted, including that of the shadowy "fat cat" financier of terrorist bombings.

Charged with the malicious destruction of a building by explosives within a city limits are Wallace H. Allen, a printing salesman; George Bright; Kenneth Chester Griffin, a state revenue department employee; and Richard and Robert Bowling, brothers. Robert Bowling is among those held. Luther King Corley, who also had been arrested, was not indicted.

THE STATE LAW against dynamite destruction makes violators punishable by death unless the jury recommends mercy.

Meanwhile, an Atlanta detective said police know the identity of the "fat cat," said to live in Baltimore.

An Arlington, Va., newspaper said it had uncovered a link between Allen, one of the men indicted here, and George Rockwell, saying the wealthy man in Baltimore who was underwriting bombing terrorists had put up \$20,000 for activity in the Arlington area, scene of a school integration crisis.

In Washington, it was learned that the FBI yesterday questioned Rockwell and Harold Noel Arrowsmith Jr., described as a member of a wealthy Baltimore family.

The four indicted men in custody were remanded to the sheriff after the grand jury action superseded their motion for release on a writ of habeas corpus. Corley was released immediately. He said he knew the other suspects but had no part in the bombing.

In Arkansas, Little Rock's private school corporation announced today it would open classes for white high school seniors in a private building Monday with \$61,481.25 it has collected through appeals by Gov. Faubus.

DR. THOMAS J. RANNEY, president of the corporation, said the seniors would have a basic college course of English, mathematics, government, biology, physics and history and would attend school on Saturdays to make up for lost time.

- EXHIBIT "A" -

WASHINGTON MERRY-GO-ROUND

U.S. Hate Mongers Linked With Nasser

By DREW PEARSON

WASHINGTON, Feb. 16 — Just across the Potomac River from the nation's capital, in fact only a stone's throw from the Lincoln Memorial where the Great Emancipator is shown in thoughtful meditation, are the headquarters of one of the most virulent and vitriolic hate nests in the USA.

It has had contact with those investigated in connection with the bombing of the Atlanta synagogue, draws money from Arab sources, and even sends word of its activities to Col. Abdel Nasser of Egypt.

On Feb. 6, a registered letter was mailed to Nasser from George Lincoln Rockwell, the Arlington, Va., hate-monger who is circulating thousands of copies of petitions calling for the impeachment of Governor Almond. Simultaneously, Rockwell's picture appeared on the front page of Nasser's newspaper *El Aharan*, though in denial of reports that Nasser had anything to do with the American hate nest.

The group, which recently has assumed the name of "The Virginia Committee to Impeach Governor Almond," gives its mailing headquarters as P. O. Box 1352 in Arlington.

The box was rented on February 3 by Floyd Fleming, grizzled old hate agitator and sidekick of rabble rouser John Kasper. The Seaboard White Cit-

izens Council was built around them. Two of Fleming's henchmen, Eugene Colton and H. Cary Hansel, also signed the rental papers for the box.

The group operates largely from Rockwell's home at 6512 Williamsburg Boulevard. Rockwell is the son of the prewar radio comedian and rocking chair philosopher, "Old Doc" Rockwell, whose squeaky voice was once familiar to millions of listeners.

The younger Rockwell, whose philosophy has taken a bizarre twist from the horse sense preached by his famous father, stayed as a house guest last May in the home of Mrs. Helen Lane, member of the Ailington School Board. His baggage included a printing press on which he printed hate propaganda in Mrs. Lane's basement.

ROCKWELL'S letters to Wallace Allen, a crippled printing salesman, were picked up by Atlanta Police during their investigation of the synagogue bombing.

Rockwell ended some letters to Allen with the Nazi phrase, "Sieg Heil."

One of his letters referred cryptically to a "big blast," but Rockwell insisted to the FBI that he meant a planned picketing and knew nothing of the subsequent bombing.

One letter also spoke of a "fatcat financier" who turned out to be Harold Noel Arrowsmith, Jr., son of the late canon



GEORGE L. ROCKWELL
Heads 'hate-nest.'

of Baltimore's Episcopal Cathedral. Arrowsmith took offense at the "fatcat" reference, apparently thinking Rockwell was ridiculing his physical plumpness.

Rockwell also told associates that Arrowsmith had contacts in the "Arab Secret Service."

It appears to be true that Arrowsmith was in touch with Salem Bader, who runs what he calls the Arab Asian Institute.

Much of the hate-nest across the Potomac was financed by the wealthy preacher's son from Baltimore, Arrowsmith, until he broke with Rockwell. He made the first payment on Rockwell's headquarters and is reported to have poured about \$20,000 into the operation, plus about \$6,000 for the Rockwell printing press.

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- EXHIBIT "B" -

No.

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERNDISTRICT OF NEW YORK

ARROWSMITH,

V.

DAILY MIRROR, INC., and
THE HEARST CORPORATION

C O M P L A I N T

Harold Noel Arrowsmith, Jr.
3707 Greenway
Baltimore 18, Maryland
IN HIS OWN PROPER PERSON